PARL. PAPERS
FOR REFERENCE ONLY.

605008

REPORTS

FROM

COMMISSIONERS:

SIXTEEN VOLUMES.

—*(7.)*—

CORPORATIONS, IRELAND:

FIRST REPORT, SUPPLEMENT, AND APPENDIX.

Session

19 *February*——10 *September* 1835.

VOL. XXVII.

1835.

REPORTS FROM COMMISSIONERS:

1835.

SIXTEEN VOLUMES:—CONTENTS OF THE

SEVENTH VOLUME.

N. B.—*THE* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

CORPORATIONS, (IRELAND):

FIRST REPORT of the COMMISSIONERS appointed to inquire into the MUNICIPAL CORPORATIONS in IRELAND - - - - - - p. 1

SUPPLEMENT to the FIRST REPORT:—(TABLES) - - - p. 51

APPENDIX to the FIRST REPORT of the COMMISSIONERS:—(REPORT of the City of *Dublin*) - - - - - - - - - p. 69

APPENDIX to the FIRST REPORT of the COMMISSIONERS:—(SOUTHERN, MIDLAND and WESTERN CIRCUIT) - - - - - - - p. 189

REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO

THE MUNICIPAL CORPORATIONS

OF

IRELAND.

FIRST

REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO

THE MUNICIPAL CORPORATIONS

IN

IRELAND.

Presented to both Houses of Parliament by Command of His Majesty.

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HIS MAJESTY'S STATIONERY OFFICE.

1835.

TABLE OF CONTENTS OF GENERAL REPORT.

	Page
Recital of the Commission	v
Proceedings	1
Arrangement of the Inquiry	1
Circuits	1
Conduct of the Inquiry	1
List of Topics	2
Mode of Examination	3
Reference to Documents and Records	3
Separate Reports	4
Heads of General Report	4

I. EXISTING STATE OF THE CORPORATION.

List of Corporations which have exercised Functions in the last century	4
Other Boroughs which returned Members at the Union	6
Ancient Boroughs	6
Corporations now existing	8
become extinct since the Union	8
Existing State of the Corporations as to their Constitution and Structure	8
List of Corporations in which Freemen have Corporate Power	9

II. MODE of ELECTING and APPOINTING the MEMBERS and OFFICERS.

III. DEFECTS IN THEIR CONSTITUTION.

List of Corporations or Boroughs before James I.	9
created since	10
Members of the Corporations	11
Freemen or Commonalty	11
Language of early Charters as to	11
Qualification of	11
Charters of James I., &c., granted to Inhabitants	11
Construction of	12
Sligo case	12
"New Rules," as to Foreigners, &c.	12
Galway Acts	12
Recognised Rights or Titles to Freedom	13
Birth, Marriage, and Servitude	13
How far admitted in different places, Dublin, &c.	13
No general Right to Freedom	14
Objections to the Rights by Birth, &c.	14
Admission of	14
Vested in Governing Bodies	14
How exercised	14
Instances	14
Freedom by Gift	14
Purchase	14
Non-resident Freemen	14
Statute 10 Henry VII. c. 7.	15
Cases of Limerick, Wexford, and Waterford	15
Observations on the Control of the Governing Bodies over Admissions to Freedom	15
Definition and Objects of Municipal Corporations	15
Designed for the Residents	15
Consequences of the Exercise of this Control	16
Roman Catholics	16
Conduct of some Corporations since the Reform Act	16
Governing Classes of the Corporations	17
Titles of	17
Numbers definite in some places	17
Instances	17
Elected by the General Body or self-elected	17
"New Rules"	18
How elected in Corporations created by James I., &c.	18
Others	18
Instances	18
Dublin	19
Cork	19
Non-resident	19
Statute 21 Geo. II. c. 10	19
Consequences of this Act	20
Patronage	20
Union Compensation	20
General Defects in Municipal Constitutions	21
1. Exclusion of the Inhabitants	21
2. Self-election of Governing Bodies	21

Page

3. Dispensation with Residence 21
4. Control over the Admissions of Freemen . . 21
Paving and other Local Acts noticed as vesting Powers in Responsible Bodies 21
And in some elected from Householders, &c. . 21
Statute 9 Geo. IV. c. 82 22
OFFICERS of Corporations.
Mayor, &c. 22
Sheriffs, &c. 22
Recorder 22
Coroner 22
Town Clerk 22
Treasurer 22
Inferior Officers 22
Pecuniary Qualification 22
Election of 23
By Governing Bodies 23
In Cork 23
"Friendly Club" 23
Re-election 23
Deputies 24
Sub-sheriffs, Dublin 24

IV. PRIVILEGES of FREEMEN and other MEMBERS.

Privileges of Freemen, &c. 24
In Elections of Corporate Officers, &c. . . . 24
D'Oyer Hundred Courts, &c. 24
In Election of Members of Parliament . . . 24
Freedom from Tolls 25
Objections to 25
Privileges as to Corporate Property, Drogheda, &c. . 25
Commons 25
Eligibility to Offices 25

V. Their JURISDICTION and POWERS in the ADMINISTRATION of JUSTICE, and in all other respects.

Privileges conferred by early Charters 26
CRIMINAL JURISDICTION.
Counties of Cities and Towns 26
Magistrates in 26
Quarter Sessions, &c. 26
Chief Officers of Corporations generally Justices of the Peace 26
In some, exclusive of County Magistrates . . . 26
Inconvenient Boundaries 26
Constitution of Corporate Magistracy . . . 27
Objection to 27
Statutes 7 Geo. IV. c. 61, &c., to supply the Deficiency of Members 27
Where acted on 27
Magistracy of Cork 27
Aldermen of the Wards 27
Magistracy of Dublin 27
Police Magistrates 27
Lord Mayor of Dublin 28
Consequence of the Extinction of Corporations as to Magistracy 28
CIVIL JURISDICTION 28
Courts of Record 28
Jurisdiction of 28
Judges 28
Recorder, Suggestions as to 28
Practice in 28
Attachment 28
Pleading 29
Costs 29
Suggestion as to Improvement of these Courts . . 29
Stamp Duty on Admission of Attorneys in . . . 29
Courts of Conscience 29
Where established by Act of Parliament . . . 29
Jurisdiction 30
Observations on 30
Judges of 30
Practice in Dublin 30
Objections to 30
Powers of Sheriff 30
Return of Grand Juries, &c. 31
Complaints of 31
Petty Juries 31

Page

Statutes to secure impartial Trials, 1 Geo. III. c. 17, 6 Geo. IV. c. 61 31
Observations on the Propriety of confiding such Duties to Corporate Officers 31
Admiralty Jurisdiction 31
Taxation in some Corporations by Leet Juries, &c. . . 31
Prisons abolished by Gaol Act, 7 Geo. IV. c. 74, s. 96 . 32
Except in Dublin, &c. 32
Might be consolidated with those of the counties at large 32
Sheriffs' Prison, Dublin 32
City Marshalsea, ditto 32
Corporate Jurisdiction as to Markets 32
Office of Clerk of the Market 32
Weighmasters 32
Statute 4 Ann. c. 14 32
Proceedings under 32
Conduct of these Officers 33
Statute 52 Geo. III. c. 134 (Butter Act) . . . 33
Proceedings under 33
Marshal of Dublin's Jurisdiction as to Pawnbrokers . 33

VI. The NATURE and MANAGEMENT of their INCOME, REVENUES, and FUNDS, whether Charitable or otherwise.

Funds, whether Charitable or otherwise.
Nature of the Income, &c. 34
Whence derived 34
Titles to 34
Properties lost 34
Management of 34
Grants and Leases to Members of Governing Bodies . 34
To Patrons 34
Cashel 34
Naas 34
Other Corporations 34
Secrecy 34
Accounts 35
Expenditure 35
Existing State of the Law prevents a due Control over the Management of Corporate Property . . . 35
Summary Powers given to Courts of Equity by Limerick Act 35
Similar Powers as to Charities generally by 53 Geo. III. c. 101 35
Advantages of Extension of these Powers 35
Corporate Property not generally clothed with Charitable Uses 35
Cases of Limerick and Galway 35
Propriety of declaring all Corporate Property to be for such Uses 35
Schools and other Charitable Foundations 35
Funds given to Corporations for Charitable Purposes, Belfast 36
Duties of Corporate Officers as *ex officio* Governors of Public Charitable Institutions 36
Rarely performed 36
Ecclesiastical Patronage 36

VII. The TOLLS and CUSTOMS within their RECEIPT or under their MANAGEMENT.

Toll Thorough 36
Murage Grants 36
Considerations for, not performed 36
Statutes respecting, 25 Henry VI. c. 3. . . . 36
4 Ann. c. 8. . . . 37
Toll Traverse, claimed in Cork and Limerick . . . 37
Fair and Market Tolls 37
Observations on Schedules of Tolls and Mode of Collection 37
Objections to this Source of Income 38

VIII. The several LOCAL JURISDICTIONS existing within the LIMITS of the CORPORATE TOWNS.

Manor Courts 38
Jurisdiction of 38
Judges 38
Proceedings 38
Observations on 38
Police 39
Local Commissions under Acts for Paving, &c. . . 39
Concluding Observations 39

COMMISSION.

WILLIAM THE FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, TO our trusty and well-beloved LOUIS PERRIN, Serjeant at Law, *James Moody, William Hannah, Maurice King, William E. Hudson, Acheson Lyle, Maziere Brady, John Colhoun, John R. Corballis, Philip Fogarty, David R. Pigot, Henry Baldwin, and Matthew R. Sausse,* Barristers-at-law, greeting. WHEREAS an humble Address has been presented unto us by the knights, citizens, and burgesses and commissioners of shires and burghs, in Parliament assembled, beseeching us that we would be graciously pleased to appoint a Commission to inquire as to the existing state of Municipal Corporations in that part of our United Kingdom of Great Britain and Ireland called Ireland, and to proceed with the utmost despatch to collect information respecting the defects in their constitution, so as to enable Parliament, if possible, to legislate upon this subject early in our next Session.

KNOW ye that we, reposing great trust and confidence in your zeal, ability, and discretion, have nominated, constituted, and appointed, and do by these presents nominate, constitute, and appoint you the said *Louis Perrin, James Moody, William Hannah, Maurice King, William E. Hudson, Acheson Lyle, Maziere Brady, John Colhoun, John R. Corballis, Philip Fogarty, David R. Pigot, Henry Baldwin, and Matthew R. Sausse,* or any one or more of you, to proceed with the utmost despatch to inquire into the existing state of the Municipal Corporations in that part of our said United Kingdom of Great Britain and Ireland called Ireland, and to collect information respecting the defects in their constitution; and we do hereby enjoin you to make inquiry also into their jurisdictions and powers in the administration of justice and in all other respects, and also into the mode of electing and appointing the members and officers of such Corporations, and into the privileges of the freemen and other members thereof, and into the nature and management of the income, revenues, and funds of the said Corporations, whether charitable or otherwise, and into the tolls or customs within their receipt or under their management; and we do hereby further require you to inquire into the several local jurisdictions existing within the limits of all Corporate towns in that part of our said United Kingdom of Great Britain and Ireland called Ireland; and for the better discovery of the truth in the premises, we do by these presents give and grant to you, or any one or more of you, full power and authority to call before you, or any one or more of you, such and so many of the officers of the said Corporations, and such other persons, as you shall judge necessary, by whom you may be the better informed of the truth in the premises, and to inquire of the premises, and every part thereof, by all other lawful ways and means whatsoever; and we do hereby give and grant unto you, or any one or more of you, full power and authority, when the same shall appear to be

requisite, to administer an oath or oaths to any person or persons whatsoever to be examined before you, or any one or more of you, touching or concerning the premises; and we do also give and grant to you, or any one or more of you, full power and authority to cause all and singular the officers belonging to the said Corporations to bring and produce upon oath before you, or any one or more of you, all and singular charters, rolls, records, orders, deeds, books, papers, or other writings belonging to the said Corporations, or to any of the said officers of the Corporations, as such officers, touching or concerning the premises.

And our further will and pleasure is, that you, or any three or more of you, upon due examination of the premises, do and shall, within the space of six calendar months after the date of this our Commission, or sooner if the same can reasonably be, certify unto us, on parchment, under your hands and seals respectively, what you shall find, touching or concerning the premises, upon such inquiry, as aforesaid; and we further will and command, and by these presents ordain, that this our Commission shall continue in full force and virtue, and that you, our Commissioners, or any one or more of you, shall and may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment; and we do hereby direct and appoint that you, or any one or more of you, may have liberty to certify your several proceedings from time to time to us, as the same shall be respectively completed and perfected; and we hereby command all and singular our justices of the peace, sheriffs, mayors, bailiffs, constables, officers, ministers, and all other our loving subjects whatsoever, as well within liberties as without, that they be assistant to you and each of you in the execution of these presents; and for your assistance in the due execution of this our Commission we have made choice of our trusty and well-beloved Thomas Reilly, Esq., to be SECRETARY and SOLICITOR to this our Commission, and to attend you, whose service and assistance we require you to use from time to time as occasion shall require.

IN WITNESS whereof we have caused these our letters to be made patent. WITNESS ourself at Westminster, the 20th day of July, in the fourth year of our reign, by writ of Privy Seal.

BATHURST.

MUNICIPAL CORPORATIONS' INQUIRY,

IRELAND.

GENERAL REPORT.

TO THE KING'S MOST EXCELLENT MAJESTY.

YOUR MAJESTY having been graciously pleased, upon an Address from the Knights, Citizens, and Burgesses in Parliament assembled, to issue a Commission under the Great Seal, bearing date at Westminster, the 20th day of July, in the Fourth Year of Your Majesty's Reign, authorizing and directing the Commissioners therein named to inquire into the existing state of the Municipal Corporations in that part of Your Majesty's United Kingdom of Great Britain and Ireland called Ireland, and to collect information respecting the defects in their Constitution; and to make inquiry also into their Jurisdiction and Powers in the administration of Justice, and in all other respects; and also into the mode of electing and appointing the Members and Officers of such Corporations, and into the Privileges of the Freemen and other members thereof; and into the Nature and Management of the Income, Revenues, and Funds of the said Corporations, whether charitable or otherwise; and into the Tolls and Customs within their receipt or under their management; and to inquire into the several Local Jurisdictions existing within the limits of all Corporate Towns in that part of Your Majesty's said United Kingdom called Ireland: and signifying Your Majesty's Will and Pleasure that three or more of the said Commissioners should, under their hands and seals, certify to Your Majesty what the said Commissioners should find touching or concerning the premises upon such Inquiry as aforesaid:—

WE, Your Majesty's Commissioners, whose hands and seals are hereto set, do humbly certify unto Your Majesty the following Report of the Proceedings under Your Majesty's said Commission, and of what we have found touching and concerning the premises upon such Inquiry.

Arrangement of the Inquiry.

Having taken, as the basis of the Inquiry, the list of cities, towns, and boroughs, which returned Members to the Irish Parliament, amounting in number to 117, we divided the whole, with the exception of Dublin, into six circuits, allotting two Commissioners to each, to visit, in person, the places comprised in it, and there make inquiry into the several matters of examination pointed out by Your Majesty's Commission.

The arrangement of these Circuits, and the names of the Commissioners attached to them, were,

1. THE SOUTHERN CIRCUIT -	Messrs.	*Lyle and Fogarty.*
2. MIDLAND - - - - -	„	*Colhoun and Baldwin.*
3. WESTERN - - - - -	„	*Brady and Corballis.*
4. SOUTH-EASTERN - - -	„	*Hanna and King.*
5. NORTH-EASTERN - -	„	*Hudson and Sausse.*
6. NORTH-WESTERN - -	„	*Moody and Pigot.*

Conduct of the Inquiry.

Mr. Perrin, and the Secretary to the Commission, remained in Dublin to receive and forward communications from and to the several Circuits, and transmit previous notices of the times of holding the Inquiry in the respective cities and towns.

Such notices were annexed to copies of the Commission, and several of them were sent to be posted by the officers of police in the public places of each town some days previous to the time fixed for commencing the Inquiry there. Similar notices and copies, with letters notifying the several topics of inquiry, and matters on which we desired information, and soliciting their attendance and assistance, were addressed to the principal officers of each Corporation, and also to the Members of Parliament for the boroughs, and other persons connected with and likely to take an interest in the investigation.

The following is the list of topics specified in those communications:

I. The Local Limits of the Corporation.

II. The Charters by which it is constituted.

III. The Title of the Corporation.

IV. The several Officers of the Corporation; how and by whom elected, appointed, or removed; the time for which they hold their respective offices; their respective Functions and Privileges; and their Salaries and incidental Emoluments.

V. The mode by which persons become Free; their Duties, Privileges, and Emoluments; the Number of Resident and Non-resident Freemen.

VI. By whom and from whom the Ruling Body of the Corporation is elected.

VII. Fees paid on Admission to the Freedom, or any office in the Corporation, and to whom paid.

VIII. Courts, Criminal and Civil; the Officers or Magistrates presiding or acting in them; the extent of their Jurisdiction, whether exclusive or otherwise; the nature of their process; what Fees are paid in them, and to whom.

IX. The Juries, Grand and Petty, Criminal and Civil; by whom and from whom selected.

X. The Management of the Police, and other Local Establishments, and general Regulations of the Town.

XI. The Superintendence of the Gaols; by whom exercised, and under what control.

XII. The Public Schools and other Charitable Foundations within the local limits, or under the superintendence of the Corporation.

XIII. Fines imposed by the Corporation on their own Members, or others.

XIV. The Nature and Amount of the Income, Estates, and Receipts of the Corporation; from whom derived, by whom received, to what purposes, and by whom applied; how and to whom accounted for.

XV. The Tolls or Customs levied or claimed within the Town.

XVI. The Patronage, Ecclesiastical and other, exercised by the Corporation; through whom dispensed.

XVII. The Acts of Parliament relating to the Corporation and Town.

XVIII. The Population, general state, and prospects of the Place.

The Corporation of the City of Dublin, with its numerous members and dependencies, was made a distinct subject of investigation, in the different branches of which Mr. Perrin, with the other Commissioners, after their return from the respective Circuits, took part; and similar notices and letters were addressed to the principal officers of, and other persons connected with, those bodies.

We have to regret in the premature decease of Mr. Colhoun, who died shortly after visiting the towns in the Midland Circuit, the loss of a very able and zealous assistant in the execution of Your Majesty's commands.

In considering the mode of conducting the Local Inquiries, it became important to determine whether the investigation should be public or private. The latter course presented no ground of preference, save in the probability that the Municipal authorities might disclose the affairs of their respective Corporations more freely in private to the Commissioners, than before a public, and perhaps adverse assembly; while to the inconvenience of the delay likely to arise from the ignorance of those examined of the extent of matter previously disclosed, would be added the formidable disadvantage of enabling individuals so disposed to convey to the Commissioners erroneous statements respecting the Corporate bodies and their officers, without immediate opportunity, in many cases, of correcting impressions thus created, and of satisfactory reply, by the parties concerned, to the complaints preferred. The course of public *vivâ voce* examination upon oath was therefore adopted, and has, we conceive, tended materially to facilitate the progress of our inquiry; affording to the parties interested the opportunity of instantly correcting any erroneous statement: and so giving, to a certain extent, the sanction of all present at the Inquiry to the accuracy of such evidence as remained uncontroverted.

Your Majesty's Commissioners applied for information, in the first instance, to the members and officers of the respective Corporations, calling in aid the evidence of those persons who, from their local knowledge, or their connexion with, or interest in the Corporation, its relations and bearings, might be supposed best qualified to speak correctly upon the subjects of inquiry.

With few exceptions, the execution of Your Majesty's commands has been assisted by the readiness with which the Corporate bodies, their officers, and the inhabitants of towns, attended the Inquiry, and communicated information. In some instances individuals have evinced a contrary disposition, chiefly upon investigations into the management and appropriation of Corporate property and revenues, where our want of authority directly to enforce the attendance of witnesses and disclosure of evidence enabled such individuals to withhold information.

The only Corporate bodies, whose officers, although invited and summoned, declined altogether to attend the Inquiry, were a few of the minor incorporated companies or guilds of the city of Dublin.

The execution of Your Majesty's Commands was also generally facilitated by the production of the books and records of the respective corporations, which, where extant, were, with few exceptions, freely submitted to our examination. In many cases, however, the Corporations were found not to be in possession of any of their charters, in several no books or records were extant, and in several those extant were irregularly kept in a very imperfect state of preservation. To obtain the information required by Your Majesty's Commission on the powers and jurisdictions of those bodies and their officers, we have, under these circumstances, consulted such other sources of information as were within our reach.

We derived much assistance, in this part of the Inquiry, from the books of the late Commissioners of Public Records, under whose orders the charters of the several Corporations were, by their sub-commissioners, carefully arranged for publication from the original rolls of the Courts of Chancery and Exchequer, and other authentic repositories in Ireland. A portion, from the earliest charter of Henry II. to the eighteenth year of the reign of Richard II., had been actually put to press; but the progress of the work was suspended by the determination of their commission. A great part of the collection, from the 18th of Richard II. to the 1st of James I., we were unable to discover, and the later portion was, in many respects, imperfect. We have endeavoured to supply the deficiencies by reference to the original records within our opportunities of access.*

The defective state of the Corporate muniments has tended much to obstruct the Inquiry, which in some towns yet remains so far imperfect and unsatisfactory. With the exception, however, of those parts of the Inquiry which relate to the original extent and subsequent disposal of Corporate property, we have no reason to believe that it is substantially incomplete on any of the subjects referred to in Your Majesty's Commission.

* We have reason to believe that early Records of the Irish Corporations are to be found in the Tower of London, and other repositories in England, to which we have not had the opportunity of referring.

Separate Reports.

It has been the duty of the respective Commissioners to prepare, from time to time, as enabled to do so by the completion of their Local and other Inquiries, separate Reports on the several Cities and Towns comprised in their Circuits, presenting in detail, and generally in the order of the above list of topics, the results of the oral and documentary evidence brought before them.

Of these, all the Reports on the Cities and Towns comprised in the Southern, Midland, Western, and South-Eastern Circuits, seventy-four in number, are completed, and herewith humbly submitted to Your Majesty's gracious consideration.

Of the Reports on the North-Eastern Circuit nine, and of the North-Western Circuit are completed, and herewith likewise submitted to Your Majesty; and the remainder, and the Report on the City of Dublin and its Members, will, we expect, be completed in the course of the ensuing fortnight.

Heads of General Report.

In submitting to Your Majesty our general view of the results of the Inquiry, it will be convenient to arrange them under the distinct Heads pointed out by Your Majesty's Commission, and in the following order, namely:

I. The Existing State of the Municipal Corporations in Ireland.

II. The Mode of electing and appointing the Members and Officers.

III. The Defects in their Constitution.

IV. The Privileges of the Freemen and other Members.

V. Their Jurisdictions and Powers in the Administration of Justice, and in all other respects.

VI. The Nature and Management of their Income, Revenues, and Funds, whether Charitable or otherwise.

VII. The Tolls and Customs within their Receipt, or under their Management.

VIII. The several Local Jurisdictions existing within the Limits of the Corporate Towns.

First: The Existing State of the Municipal Corporations.

I. The Existing State of the Municipal Corporations in Ireland.

Before we state the Corporations now actually existing, we think it may be useful to enumerate all the Municipal Corporations which appear to have exercised any functions, as such, within the last century, and to allude to some other Boroughs which returned Members to the Irish Parliament at the period of the Legislative Union between Great Britain and Ireland, though, as it appears, not then, or for many years before, possessing or exercising any other functions of Municipal Corporations.

From the information we have been able to collect, the number of the Municipal Corporations in Ireland, appearing to have actually exercised any functions as such, within the last century, is 99, consisting of the Corporations of the following Cities and Towns:

Cities and Towns.	County where situate.
ARDEE	Louth.
ARDFERT	Kerry.
ARMAGH	Armagh.
ASKEATON	Limerick.
ATHBOY	Meath.
ATHENRY	Galway.
ATHLONE	Westmeath and Roscommon.
ATHY	Kildare.
AUGHER	Tyrone.
BALLYNAKILL	Queen's County.
BALLYSHANNON	Donegal.
BALTINGLASS	Wicklow.
BANAGHER	King's County.
BANDONBRIDGE	Cork.
BANGOR	Down.
BANNOW	Wexford.
BELFAST	Antrim.
BELTURBET	Cavan.
BLESSINGTON	Wicklow.

Cities and Towns.	Counties of
BOYLE	Roscommon.
CALLAN	Kilkenny.
CARIESFORT	Wicklow.
CARLINGFORD	Louth.
CARLOW	Carlow.
CARRICKFERGUS	County of the Town of.
CARRICK-ON-SHANNON	Leitrim.
CASHEL	Tipperary.
CASTLEBAR	Mayo.
CASTLEMARTYR	Cork.
CAVAN	Cavan.
CHARLEMONT	Armagh.
CHARLEVILLE	Cork.
CLOGHNAKILTY	Cork.
CLONMEL	Tipperary.
COLERAINE	Londonderry.
CORK	County of the City of.
DINGLE	Kerry.
DONEGALL	Donegall.
DROGHEDA	County of the Town of.
DUBLIN	County of the City of.
DULEEK	Meath.
DUNDALK	Louth.
DUNGANNON	Tyrone.
DUNLEER	Louth.
ENNIS	Clare.
ENNISCORTHY	Wexford.
ENNISKILLEN	Fermanagh.
FEATHARD	Tipperary.
FEATHARD	Wexford.
FORE	Westmeath.
GALWAY	County of the Town of.
GRANARD	Longford.
GOREY	Wexford.
GOWRAN	Kilkenny.
HARRISTOWN	Kildare.
HILLSBOROUGH	Down.
JAMESTOWN	Leitrim.
INISTIOGUE	Kilkenny.
IRISHTOWN	County of the City of Kilkenny.
KELLS	Meath.
KILBEGGAN	Westmeath.
KILDARE	Kildare.
KILKENNY	County of the City of.
KILLIBEGS	Donegall.
KILLILEAGH	Down.
KILMALLOCK	Limerick.
KINSALE	Cork.
KNOCKTOPHER	Kilkenny.
LANESBOROUGH	Longford.
LIFFORD	Donegall.
LIMAVADDY	Londonderry.
LIMERICK	County of the City of.
LONDONDERRY	Londonderry.
LONGFORD	Longford.
MARYBOROUGH	Queen's County.
MIDDLETON	Cork.
MONAGHAN	Monaghan.
NAAS	Kildare.
NAVAN	Meath.
NEW CASTLE, NEAR LYONS	Dublin.
NEW ROSS	Wexford.
NEWTOWNARDS	Down.
OLD LEIGHLIN	Carlow.
PHILIPSTOWN	King's County.
PORTARLINGTON	King's County and Queen's County.
ROSCOMMON	Roscommon.
SLIGO	Sligo.
ST. JOHNSTOWN	Donegall.
ST. JOHNSTOWN	Longford.
STRABANE	Tyrone.
THOMASTOWN	Kilkenny.
TRALEE	Kerry.

Cities and Towns.	Counties of
TRIM	Meath.
TUAM	Galway.
TULSKE	Roscommon.
WATERFORD	County of the City of.
WEXFORD	Wexford.
WICKLOW	Wicklow.
YOUGHAL	Cork.

In addition to these Municipalities, there were, at the period of the Legislative Union between Great Britain and Ireland, 18 Boroughs, which returned Members to the Irish Parliament, into which we deemed it our duty to inquire, with the view of ascertaining how far they partook of the character of Municipal Corporations. The result of the Inquiry has established that of these Boroughs seven were, at not very remote periods, Corporate Municipalities, acting, or at least constituted, under Royal Charters still on record, viz.:

Towns.	Counties of	Towns.	Counties of
BALTIMORE	Cork.	MALLOW	Cork.
CLOGHER	Tyrone.	NEWRY	Down.
DUNGARVAN	Waterford.	TALLAGH	Waterford.
LISMORE	Waterford.		

With respect to the following five, the existence, either of a corporation or of burgage tenure, is noticed in ancient records, but no charter of incorporation has been discovered, viz.:

Towns.	Counties of	Towns.	Counties of
CLONMINES	Wexford.	SWORDS	Dublin.*
DOWNPATRICK	Down.	TAGHMON	Wexford.
RATOATH	Meath.		

And the six remaining boroughs, though possessing charters empowering them to return Members to Parliament, never, as far as we have been able to trace, possessed the character of Municipal Corporations. They are:

Towns.	Counties of	Towns.	Counties of
ANTRIM	Antrim.	MULLINGAR	Westmeath.
DONERAILE	Cork.	RANDALSTOWN	Antrim.
LISBURNE	Antrim.	RATHCORMAC	Cork.

Ancient Boroughs.

In the course of our Inquiry we have observed traces, in the public records of early dates, of the existence of Municipal Corporations, or authorities, in many other ancient towns, but have not found any later indication or recognition of those bodies, or that the towns at any time returned Members to Parliament. We deem it not irrelevant to the objects of our Inquiry to state briefly, as follows, the names of the towns, the title of the Municipal body or authority, and the instruments in which mention appears to be made of them:

Date of Grant.		Towns.	Names of Municipal Bodies.	Subject of Grant.	Enrolment.
10 Jul. 1310	4 Edw. II.	1. Adare.	The Bailiffs and good men of.	Murage granted to.	Rot. Pat. 3, 4 Edw. II. m. 1.
20 Feb. 1376	51 Edw. III.	. . . .	The Provost and Commonalty of the town of.	Exemption granted to them from subsidies, &c., till their town should be rebuilt.	Rot. Claus. 51 Edw. III. m. 2. d.
A.D. 1311	4 Edw. II.	2. Ardfynan	The Bailiffs and good men of.	Pontage, for 3 years.	Rot. Pat. 3, 4 Edw. II. m. 7.
8 Jan. 1317	11 Edw. II.	3. Botavaunt.	The Commonalty of the town of.	£105 granted for murage.	Rot. Mem. 13, 14 Edw. II. m. 41. d.
6 Aug. 1375	49 Edw. III.	. . . .	The Provost and Commonalty of.	Ratification of their grant of part of the waste of Botavaunt, and the north gate and customs there.	Pat. 49 Edw. III. a. 161.
12 Jul. 1344	18 Edw. III.	4. Carryk McGriffyn.	The Provost and Commonalty of the town of.	Restoration for a term of years of a grant of murage and pontage, which had been suspended.	Claus. 17, 18 Edw. III. m. 7.

* There is on record a charter of incorporation, in the 5th year of James II. to Swords; but we have generally considered the charters of that reign, especially those of so late a date, as of no operation.

Date of Grant.		Towns.	Names of Municipal Bodies.	Subject of Grant.	Enrolment.
9 Nov. 1358	32 Edw. III.	5. Catherkenlyshe.	The Provost, Bailiffs, and Commonalty of the town of.	Murage for 20 years.	Pat. 32 Edw. III. m. 8. d.
14 Mar. 1389	13 Rich. II.	6. Clane.	The Provost, Bailiffs, and Commonalty of the town of.	Pontage for 7 years for the bridge of the town over the Liffey.	Pat. 13 Rich. II. a. 223. d.
8 Feb. 1358	33 Edw. III.	7. Dalkey.	The Provost and Bailiffs of the town of.	They and the Sheriffs of Dublin and Bailiff of Senkyl were commanded to allow the master of a Spanish ship, arrested by them, to depart.	Claus. 33 Edw. III. a. 2.
28 Jul. 1423	1 Hen. VI.	8. Dunboyne.	The Provost and Commonalty of the town of.	They are ordered to be at Trim, with all their power, for its defence.	Claus. 1 Hen. VI. a. 29.
Do.	. . .	9. Dunshaghelyn.	Ditto.	Ditto.	Ditto.
20 Jun. 1409	10 Hen. IV.	10. Garth, in the county of Limerick.	The Bailiffs and Commons of the town of.	Murage for 60 years.	Pat. 10 Hen. IV. p. 2. a. 131.
28 Jul. 1423	1 Hen. VI.	11. Grenok.	The Provost and Commonalty of the town of.	They are ordered to be at Trim, with all their power, for its defence.	Claus. 1 Hen. VI. a. 29.
5 Oct. 1303	31 Edw. I.	12. Imelagh.	The Bailiffs and good men of.	Murage for 3 years.	Pat. 31 Edw. I. a. 77.
1 Apr. 1375	49 Edw. III.	13. Jeriponte.	The Provost and Commonalty of the town of.	Pontage for 10 years.	Pat. 49 Edw. III. a. 52.
. . .	John.	14. Kenlis in Momonia.	The Burgesses of.	General charters of liberties and confirmation, by William Fitz Geoffrey and John Fitz Geoffrey.	Pat. 1 Eliz. m. 24.
1 Apr. 1406	7 Hen. IV.	15. Loueth.	The Bailiffs and Commons of the town of.	Release of two parts of the chief rent of the town during the minority of Lord de Darcy.	Pat. 7 Hen. IV. a. 13.
18 Mar. 1317	11 Edw. II.	16. Mora.	The Burgesses of the town of.	£67 6*s.* 8*d.* for murage.	Pat. 2 Edw. II. a. 197. d.
18 Nov. 1303	31 Edw. I.	17. New Castle McKynegan.	The Bailiffs and men of.	Murage for 5 years.	Pat. 31 Edw. I. a. 78.
Circa 1240	24 Hen. III.	18. Radcull.	The Burgesses of.	Lucas, Archbishop of Dublin, grants them common of pasture and turbary in the mountain of Slescoll, with his men of Newcastle, near Lyons, at 4*s.* per annum.	Alan Reg. f. 159.
. . .	. . .	. . . .	. . . .	He grants them the liberties of the Burgesses of Bristol.	Ibid. f. 118. d.
Circa 1300	28 Edw. I.	19. Rosbargon.	The Burgesses of.	Gilbert de Clare, Earl of Gloucester and Hertford, granted them the privileges of his burgesses of Kilkenny, viz. &c.	Pat. 1 Hen. IV. a. 102.
,, 1400	1 Hen. IV.	. . . .	. . . .	Henry IV. inspected and ratified the above grant.	Ibid.
28 Jul. 1423	1 Hen. VI.	20. Scryne.	The Provost and Commonalty of the town of.	They are ordered to be at Trim, with all their power, for its defence.	Claus. 1 Hen. VI. a. 29.
28 Jul. 1423	1 Hen. VI.	21. Slane.	The Provost and Commonalty of the town of.	They are ordered to be at Trim, with all their power, for its defence.	Claus. 1 Hen. VI. a. 29.
1 Apr. 1311	4 Edw. II.	22. Tamelagh.	The Bailiffs and good men of.	Murage for 3 years.	Pat. 3, 4 Edw. II. a. 135. d.
10 May, 1343	17 Edw. III.	23. Tillagh in Offelmyth.	The Provost and Commonalty of the town of.	Murage for 7 years.	Claus. 17, 18 Edw. II. a. 128. d.
4 Sep. 1310.	4 Edw. II.	24. Typerary.	The Bailiffs and good men of.	Murage (as Adare) for 3 years.	Pat. 3, 4 Edw. II. a. 30.
18 Oct. 1317	11 Edw. II.	25. Ughtrard.	The Bailiffs and good men of the town of.	A market on Tuesday, and fair in the eve and day of St. Margaret the Virgin.	Pat. 2 Edw. II. p. 2. a. 27.

Corporations now existing.

Of the several Municipal Corporations we have mentioned, the following only (which we have arranged according to the respective amount of population of the districts with which they are connected) appear to be now effectively existing, and exercising the functions of such bodies:

	Population.		Population.
Dublin, with its suburbs	265,316	Coleraine	5,752
Cork (the entire county of the city)	100,716	New Ross	5,011
Limerick (the entire county of the city)	66,554	Charleville	4,766
Belfast	53,287	Strabane	4,700
Galway (the entire county of the town)	33,120	Longford	4,516
Waterford (the entire county of the city)	28,281	Athy	4,494
Kilkenny and Irishtown (the entire county of the city)	23,741	Navan	4,416
Londonderry, with its suburbs	19,620	Dingle	4,327
Drogheda (the entire county of the town)	17,365	Kells	4,326
Sligo	15,152	Ardee	3,975
Clonmel	15,134	Monaghan	3,848
Kinsale (the entire liberties)	14,412	Naas	3,808
Athlone	11,406	Cloghnakilty	3,807
Youghal (the entire liberties)	11,327	Dungannon	3,515
Wexford	10,673	Boyle	3,483
Dundalk	10,078	Feathard (Tipperary)	3,405
Bandonbridge	9,917	Trim	3,282
Tralee	9,568	Maryborough	3,223
Armagh	9,470	Portarlington	3,091
Carlow	9,114	Gorey	3,044
Carrickfergus (the entire county of the town)	8,706	Thomastown	2,871
Ennis	7,711	Bangor	2,741
Cashel	6,971	Wicklow	2,472
Tuam	6,883	Middleton	2,034
Callan	6,111	Belturbet	2,026
Enniskillen	6,056	Kilbeggan	1,985
Enniscorthy	5,955	Baltinglass	1,674
		Hillsborough	1,453
		Athenry	1,319
		Kilmallock	1,213
		Killileagh	1,147
		Inistioge	906
		Castlemartyr	830

Corporations become extinct since the Union.

In the following towns, the Corporations have become extinct since the period of the Legislative Union between Great Britain and Ireland:

	Population.		Population.
Castlebar	6,373	Knocktopher	475
Ballyshannon	3,775	Blessington	426
Roscommon	3,306	New Castle near Lyons	395
Banagher	2,636	Lanesborough	390
Limavaddy	2,428	Feathard (Wexford)	350
Granard	2,069	Jamestown	311
Athboy	1,959	St. Johnstown (Longford)	255
Ballinakill	1,927	Augher	Village
Carrick-on-Shannon	1,870	Bannow	„
Askeaton	1,515	Cariesfort	„
Philipstown	1,454	Fore	„
Gowran	1,009	Harristown	„
Donegall	830	Old Leighlin	„
Killibegs	724	St. Johnstown (Donegall)	„
Dunleer	710	Tulske	„

In the following places, although it appears from the local Reports that Corporations do not effectively subsist in them, there is either some continuing exercise of Corporate functions, or a remnant of Corporate Property:

	Population.		Population.
Newtownards	4,442	Duleek	1,217
Cavan	2,931	Lifford	1,096
Kildare	1,753	Charlemont	523
Carlingford	1,319	Ardfert	Village

Existing State of the Corporations as to their Constitution.

In reference to their constitutions and structure, the existing Municipal Corporations in Ireland may be divided into two classes, namely: first, those in which the Commonalty or Freemen have, directly or indirectly, a voice in, or control over

the election of the Corporate officers, or the management of some of the Corporate business: and secondly, those in which no class of Freemen is, in practice, recognised, or in which, if admitted, they are, from the defective constitution of the Corporate body, or by usurpation, practically excluded from all interference in the administration of the Corporate affairs, and in the election of the Municipal Authorities.

The greater number of the Corporations belong to the latter class, and may be generally described as consisting of self-elected irresponsible governing bodies, of 12 or more members, by whom the whole Corporate powers are exercised. In many of this class the existence of Freemen is unknown, and, even where admitted, they are in most cases comparatively few in number, and have little, if any, power or influence. In Belfast there are but six freemen now known to be in existence.

The only Municipal Corporations which we find *capable* of being comprised in the former class are those of

Ardee,	Kinsale,
Bandonbridge,	Limerick,
Callan,	Maryborough,
Carrickfergus,	Monaghan,
Cashel,	Naas,
Clonmel,	Navan,
Cork,	Trim,
Dingle,	Tuam,
Drogheda,	Wexford,
Dublin,	Wicklow, and
Dundalk,	Youghal.
Galway,	

The modes in which the small share of popular influence existing in those bodies is exercised, and its practical extent in each, vary considerably; they are detailed in the separate local Reports, and will be presently noticed in our observations on the mode of electing and appointing the members and officers of the Corporations, and on the defects in their constitutions. The observations we shall have to make on these and the remaining subjects noticed in Your Majesty's Commission embrace the further remarks which occur to us to be of importance to submit to Your Majesty on the existing state of the Municipal Corporations in Ireland.

II. The Mode of electing and appointing the Members and Officers; and,
III. The Defects in their Constitution.

Second and Third Heads of Inquiry: Election of Members and Officers, and Defects of Constitution.

These two branches of our Inquiry are so intimately connected, both in the general arrangements common to all the Municipal Corporations, and the separate details of each, that we think it will be more convenient here to class and consider them together.

A marked distinction in the language of their charters will be found to exist, as to the constitutions of the Municipal Corporations in Ireland, according to the dates of those instruments; and we think their history may, with reference to the practical objects of our Inquiry, be considered as divided into two periods, viz., from the invasion of Ireland, in the reign of Henry II., to the reign of James I., and from the commencement of that reign to the present time.

The following Tables show the times to which we can refer the earliest records of a Municipal Body in the several boroughs, and their respective governing charters:

CORPORATE TOWNS in which CORPORATIONS are supposed to have existed by PRESCRIPTION, or in which there are traces of a MUNICIPAL BODY prior to JAMES I.

	Date of Earliest Evidence of a Municipal Body before the Reign of James I.	Governing Charters.
Ardee	51 Edward III.	11 Anne.
Ardfert	1639	None.
Athboy	9 Henry IV.	9 James I.
Athenry	4 Edward II.	Elizabeth.
Bannow	13 Richard II.	None.
Callan	4 Richard II.	None.
Carlingford	20 Edward II.	7 James I.
Carlow	William Marescal, Earl of Pembroke, *circa* A.D. 1296	26 Charles II.
Carrickfergus	49 Edward III.	10 James I.

	Date of Earliest Evidence of a Municipal Body before the Reign of James I.	Governing Charters.
Cashel	Donat, Archbishop of Cashel, A.D. 1216	15 Charles I.
Clonmel	11 Edward II.	6 James I.
Cork	26 Henry II.	7 Charles I.
Dingle	27 Elizabeth	4 James I.
Donegal	13 Edward II.	10 James I.
Drogheda	12 Henry III.	10 William III.
Dublin	Henry II.	None.
Duleek	Walter De Lacy, Lord of Meath	None.
Dundalk	17 Edward III.	29 Charles II.
Dungarvan	3 Edward IV.	7 James I.
Feathard (Tipperary)	49 Edward IV.	5 James I.
Fore	None	None.
Galway	34 Edward III.	29 Charles II.
Gowran	2 Henry V.	6 James I.
Inistiogue	Prior Alured of Inistioc, temp. incert.	6 James I.
Irishtown	15 Edward IV.	3 James I.
Kells	Walter De Lacy (temp. Rich. I.)	4 James II.
Kildare	None	None.
Kilkenny	William Marescal, Earl of Pembroke (temp. Henry III.)	7 James I.
Kilmallock	49 Edward III.	27 Elizabeth.
Kinsale	7 Edward III.	8 James I.
Knocktopher	None	None.
Limerick	John, Earl of Morton	None.
Maryborough	12 Elizabeth	12 Elizabeth.
Naas	2 Henry V.	7 James I.
Navan	9 Edward IV.	13 Charles II.
New Ross	Henry III.	9 James I.
Philipstown	12 Elizabeth	12 Elizabeth.
Roscommon	4 Edward II.	10 James I.
Taghmon		
Thomastown	Thos. Fitzantony, temp. incert. and 20 Edward III.	13 James I.
Trim	Walter De Lacy (temp. Rich. I.)	13 Elizabeth.
Waterford	7 John	2 Charles I.
Wexford	11 Edward II.	7 James I.
Youghal	49 Edward III.	7 James I.

Corporations first created by James I. and his Successors.

James I.	Charles I.	Charles II.
Armagh.	Banagher.	Baltinglass.
Askeaton.		Blessington.
Athlone.		Cariesfort.
Athy.		Castlemartyr.
Augher.		Charleville.
Ballinakill..		Dunleer.
Ballyshannon.		Granard.
Baltimore.		Harristown.
Bandonbridge.		Lanesborough.
Bangor.		Longford.
Belfast.		Middleton.
Belturbet.		Portarlington.
Boyle.		St. Johnstown.
Carrick-on-Shannon.		Longford.
Castlebar.		Tulske.
Cavan.		
Charlemont.		
Clogher.		
Cloughnakilty.		
Coleraine.		
Dungannon.		
Ennis.		
Enniscorthy.		
Enniskillen.		
Feathard (Wexford.)		
Gorey.		
Hillsborough.		
Jamestown.		
Kilbeggan.		
Killybegs.		
Killileagh.		
Lifford.		
Limavaddy.		
Lismore.		
Londonderry.		

James I. Charles I. Charles II.

Mallow.
Monaghan.
Newry.
Newtownards.
Sligo.
St. Johnstown (Donegall.)
Strabane.
Tallagh.
Tralee.
Tuam.
Wicklow.

Members of the Corporations. Freemen or Commonalty.

The early charters do not define the Members of the Corporate body, or prescribe any mode or form of election or admission to it. They are sometimes addressed to the "Burgesses" of the town, a title now belonging to a particular class in some Corporations; but then apparently comprising the principal body of the inhabitants, as holders of tenements in burgage tenure within the district. Some of these charters, as those of Kilkenny and Inistioge, enable such burgesses to make their tenants free, "so that they might have common liberty with the burgesses." The terms "Citizens," "Commons," or "Commonalty," are those which occur most generally in the early Municipal charters, sometimes with, sometimes without that of "Burgesses," as descriptive of the general body of the members of the Corporation. In some, as in the early charters of Dublin, the grant is expressly to the citizens, &c., within the limits of the place.

Qualifications of.

It is difficult now to point out with any precision the rights to Corporate franchise as they existed in these ancient communities; nor is it probable that they were uniform in all.

Inhabitancy.

The general terms of the charters, and the purposes of local utility for which they appear to have been granted, import that the *inhabitants* of the Corporate towns were the class to whom they were addressed, as the objects of Royal care and protection, and the proper administrators of the estates and functions conferred on the municipality. These charters contain no exclusive clauses in favour of any particular class of the Inhabitancy, as distinguished from the rest, though abounding in provisions against strangers.

It would appear that at a very early period the right to claim admission as a member of the Corporate body became subject to conditions and restrictions, probably as its commercial value increased; and we cannot refer to any Corporation created before the reign of James I. in which we have evidence, beyond what may be inferred from the terms of the charters as above alluded to, that mere inhabitancy, at least unconnected with the tenure of property, constituted a sufficient or recognised title to admission.

Charters of James I.

It is, however, remarkable, and, we think, strongly illustrates the general principles on which Corporate institutions are properly to be based, that in many of the charters of James I. and his successors, though framed on the closest system of exclusive power in the governing bodies, the grants of Corporate rights are made expressly to the *inhabitants* of the incorporated district; and that the commonalty or general body of members of the Corporation is in terms so described, as to imply, at least, an inchoate right in every inhabitant to admission as such.

A charter of the 6th year of James I., granted to Kilkenny, and addressed to "The Sovereign, Commonalty, and Common Burgesses, *or* Inhabitants of the Borough," implies the identity of those designations.

The charters given by James I. to the towns newly incorporated by him in the 10th year of his reign, and which were 40 in number, profess to incorporate all the inhabitants of the respective towns; but the function of admitting freemen, or members of the commonalty, is, in those charters, given exclusively to the provost or chief officer of the corporation, and the class called "Free Burgesses." These charters commonly grant that *all the inhabitants* within the district shall be a body corporate, and, in a subsequent clause, declare, that "all the inhabitants, and so many and such other men whom the provost and free burgesses shall admit to the freedom of the borough, shall be of the commonalty."

The ruling bodies of these Corporations have almost uniformly acted on this clause, as not giving to the inhabitants at large a right to admission, but as vesting in the chief officers and free burgesses a discretionary authority to bestow or withhold the franchise, and to determine who shall be admitted, whether they be inhabitants or others. The soundness of this construction was questioned before the Court of King's Bench in Ireland, in the case of the Borough of Sligo, in the year 1824. That court considered that it appeared upon the affidavits used that the Corporators had been uniformly elected by the provost and free burgesses; and as there was no precedent adduced of admission of any person to the freedom of the borough as of right, by virtue of residence or inhabitancy, they decided that the charter admitted of a construction consistent with the usage, and refused to grant a mandamus to admit a resident merchant to the freedom of the borough on the mere ground of inhabitancy.

Close and restricted as were the constitutions of the Corporations so created, the framers of those charters did not probably contemplate this additional limitation, which has in effect annulled the general grant of incorporation to the inhabitants. The corporate rights given to freemen by these charters are too limited to have made the acquisition of the freedom a matter of importance to individuals, at the expense that must attend a litigated assertion of the claim; and the present general absence of such a class, in the towns so incorporated, may be owing, in some degree, to the indifference of the inhabitants to demand, as well as to the policy of the chief officers and free burgesses in withholding, a privilege of little practical value, since it did not confer on the possessor a voice in the election either of the governing body or chief officer of the corporation, or of the Members of Parliament for the borough.

Some charters, granted in earlier years of this reign, contain a provision on the subject of freemen, which, though appearing to give more decidedly the power of selection to the governing bodies, points distinctly to the inhabitants as the proper objects of the Corporate franchise, viz., that the Corporation shall consist of a sovereign, &c., and of so many "as were then free or inhabiting the town or borough, and of so many as the sovereign, &c., shall think fit to choose or admit, *according as the number of inhabitants shall increase.*" Such a provision is found in the charters of Athlone, Feathard (Tipperary), Gowran, and Inistioge.

"New Rules."

An important general provision was made in the reign of Charles II., to encourage foreigners to become inhabitants of Corporate towns in Ireland, by the regulations called the "New Rules," made by the Lord Lieutenant and Privy Council, in pursuance of the powers given them by the Act of Explanation, 17 and 18 Car. II. chap. 2. sec. 82. By these rules it was declared that all foreigners, strangers, and aliens, as well others as Protestants, who were or should be merchants, traders, artisans, artificers, seamen, or otherwise skilled and exercised in any mystery, &c., or in the art of navigation, then residing or inhabiting (within the cities or towns of Dublin, Drogheda, Limerick, and Galway, as to those Corporations, and within the kingdom of Ireland, as to all other cities and towns), or who should thereafter come into the said several cities and towns with intent and resolution there to inhabit, should, on request, and payment of 20*s.* by way of fine to the chief magistrate and common council, or other persons authorized to admit freemen, be admitted freemen of the town; and, if desired, of any guild, brotherhood, society, or fellowship of any trade, craft, or mystery within the same, during residence for the most part; and the persons so admitted are thenceforth to be deemed denizens within the kingdom. These provisions received some extension in favour of Protestant natives by subsequent enactments.

The extent of franchise acquired under these provisions has been questioned, and is not settled, and there are few Corporations in which they have been taken advantage of, and carried into effect to any extent. It has been decided by election committees of the House of Commons, in the cases of Limerick and Wexford, that freemen admitted under them in those places are entitled to vote at elections for Members of Parliament. Unsuccessful attempts have been made in some places to enforce these provisions in favour of the general body of resident inhabitants. In the Corporation of Galway a similar provision, but extending to natives, was made by the enactments of the statutes 4 Geo. I. c. 15, Ireland, and 1, 2 Will. IV. c. 49, the operation of which Acts, in that town, has not been

such as to induce us to speak of their provisions as affording an eligible or satisfactory criterion of the right of admission to Corporate privileges.

We may conclude the consideration of this topic of inhabitancy by observing, that we have not found the qualification of being an inhabitant, or householder, now recognised any where, as an available title to Corporate franchise.

Rights to Freedom.

In the great majority of the Corporations no Right or inchoate Title to admission, as a Freeman or Member, is now recognised, and admission or exclusion depends on the mere pleasure of a select or governing body. Where such rights are acknowledged to exist, they vary considerably in the different Corporations.

Birth, Marriage, and Apprenticeship.

Being the son of a freeman, or married to a daughter of a freeman, or having served an apprenticeship to a freeman, are the common titles.

No qualification of property, or the being a householder, is anywhere requisite to, or regarded in the claim or title to freedom. In fact many freemen in Dublin and elsewhere are roomkeepers.

In Carrickfergus, Dublin, Kilkenny, Limerick, Londonderry, Waterford, and Wicklow, the rights of birth, marriage, and apprenticeship, appear to be now recognised, but in Limerick that by birth is confined to the eldest son.

In Cork and Drogheda those of birth and servitude only are acknowledged, though that of marriage appears formerly to have been admitted in the former, and is supposed to exist in the latter. In Cork the right by birth is now confined to the *first-born* son.

In Wexford the only title is by apprenticeship.

In Bandonbridge, being the eldest son of a freeman.

In Naas, the privilege is confined to sons of freemen while resident.

In Trim, sons and sons-in-law of freemen are admitted as of right.

In Londonderry the right by birth is confined to the sons of aldermen or burgesses, and that by marriage to the husbands of daughters of aldermen or burgesses.

In Dublin, it is necessary that the admission, as of right, should be previously granted in one of the incorporated guilds, to entitle the applicant to seek admission to the Corporation at large from the common council, *each* branch of which body exercises an arbitrary discretion in granting or withholding the franchise, even when so substantiated.

There is, in fact, no general, uniform, and absolute right to admission into the Municipal Corporations.

The rights from birth, marriage, and apprenticeship have, even where most liberally admitted, failed to supply in the body of the Corporations a general constituency, comprising, or representing sufficiently, the various classes of the inhabitants. The two former qualifications are necessarily limited to persons related to, or connected with, the old members, and the last (apprenticeship) leaves to the old members complete control as to the class from which the new may be selected; thus, when a particular party has gained an ascendancy, these rights operate to preserve the Corporate privileges to that party exclusively.

Mode of Admission.

The Modes of Admission, which have become established in most Corporations have further contributed to limit the number of freemen, and prevent the formation of a general and comprehensive commonalty.

The charters of James I., as already stated, vested in the chief officer and free burgesses of the Corporations then created the function of admitting the members of the commonalty. Select or governing bodies, under the name of Common Councils, became generally established in the ancient Corporations, and appear to have early acquired the privilege of deciding on the merits of the claims to freedom, and of granting or withholding admission.

They exercised also, without limit as to numbers, the power of admitting whom they pleased, by what is generally termed "special grace."

Possessed of these powers, the governing bodies have too commonly used them, without scruple, not as trusts to be exercised for the benefit of the community, but as the means of attaining for themselves an exclusive dominion over the general inhabitancy, and political influence in the election of Members of Parliament. The course which they seem to have almost universally pursued for this object has been to concede, with the utmost parsimony, to the *inhabitants* the right to become members of the Corporations as freemen.

Where the recognised rights to freedom are not directly resisted, difficulties

are interposed to its attainment; in some cases by the establishment of peculiar forms of admission, as in Bandonbridge, Dublin, and Drogheda, which give to the governing body, or some of its members, a direct power of negativing or suppressing the claims. In others, as in Kilkenny and Limerick, unnecessary delays or technical obstacles have been interposed in the investigation and consideration of the title to admission; while the power of admission by especial grace may, at all times, be exercised without limit, to counteract any increase on title supposed to be dangerous to the prevailing influence.

In Bandonbridge, Naas, Trim, Wexford, Youghal, and some of the smaller Corporations, the power of admission remains in the general body, but, except in Wexford, (and there only of late years,) with little practical difference in favour of the community. Those Corporations, with the exceptions of Trim and Wexford, are under the control of individual patronage, and the admission or exclusion of freemen depends on the pleasure of the patron. In Bandonbridge, the form of admission requires that the candidate, whether entitled by right or not, should be proposed and seconded. In Youghal the mayor claims and exercises the exclusive right of proposing all candidates for admission. In Trim a form similar to that in Bandonbridge appears to be adopted, and the Corporation of that town, though in constitution apparently free, is, in reality, from the sectarian principles on which its members act, practically close and exclusive.

In Cork the power of admission on claims of right is vested in the common council, that of admission by special grace in the general body, but restricted by bye-law to the mere approval of the nominees of the common council.

In Ardee the power of admission vested in the general body is similarly restricted.

In the Corporation of Carrickfergus we find a contrast to the generally limited numbers of this class. The power of admission remains in the general body, and it appears from the Local Report that freemen have long been and are admitted there in numbers, and in a manner almost amounting to universal suffrage; yet there the mayor has the power of postponing indefinitely the meeting of the Assembly to admit.

The policy of the governing bodies has induced some of them in recent instances to endeavour to retrace their steps, and extend more liberally the Corporate franchise, with the view of encountering the enlarged leasehold and household constituency introduced by the Reform Bill. Thus, in Clonmel, rights to freedom, not recognised for eighty years prior to that Act being passed, have been since admitted. In Dundalk, it was attempted to introduce a right of admission by birth, but unsuccessfully. In Waterford, the same policy has led to the relaxation of restrictions previously existing to the attainment of freedom as of right.

In Kinsale and Athlone, freemen were admitted in large numbers in 1831, for the same purpose, but the attempt was defeated by the provision of the Reform Act excluding honorary freemen admitted subsequently to the 30th of March in that year.

Gift.

The power of nominating one, or in some cases two freemen during his year of office, is in several Corporations allowed to the chief officer.

Purchase.

The acquisition of freedom by Purchase appears formerly to have been permitted in many Corporations, but we have not anywhere found an existing right of this nature. Payments, as fines, are, however, made, in several cases, on admission; these are generally small in amount, but at Waterford, where the freedom confers valuable commercial privileges, a fee of £20 is paid on admission by special grace.

Admission of Non-residents.

In counties of cities and counties of towns the acknowledged rights of the *freeholders* to vote at elections for Members of Parliament, while it has served to maintain the general independence of the community, has had a decided though indirect tendency to the depression of the freemen as a class. The freeholders, who thus possessed the most valuable civil right, without control of the Corporate authorities, had less motive to seek admission as freemen, while the existence of an independent body of electors led, for the purpose of counteracting their influence, to the creation of Non-resident Freemen,—a practice, on the part of the Corporations, for the correction of which the Legislature has lately interposed by one of the provisions of the Reform Act. In many Corporations, (we may instance those of Galway, Limerick, Cork, and Drogheda,) the creation of non-resident freemen has prevailed to an extent apparently only limited by the necessity of providing a sufficient number in the interest of the Corporation to bear down the resident freehold constituency. As members of the Corporations for general municipal

purposes, the non-resident freemen do not appear to have interfered; but such rights as they may have in that respect remain unaffected by the provisions of the Reform Act; and if the subject of contest should be of sufficient importance, they might still be resorted to by the governing body on occasions of the exercise of Corporate powers where vested in the freemen at large.

The admission of non-residents to such an extent seems quite inconsistent with the principles of municipal government and incorporation, and with the spirit of the charters, which are addressed to the citizens, commons, inhabitants, or commonalty of the Corporate city or town, and abound in provisions for the benefit and exclusive advantages, commercial and civil, of those residing in the incorporated districts. We find the Legislature itself, at a very early period, sanctioning and enforcing the principle and policy of a resident municipality, by a statute of the Irish Parliament, passed in the tenth year of Henry VII. (c. 7,) which enacts, "That no City or great Town receive or admit any person to be Alderman, Juror, or Freemen, within any of the said Cities or Towns, but such persons as have been prentice or been continually inhabitant in the said Cities or Towns;" and (after some other provisions), "that if any City or Town offend the premises or any part thereof, the Mayor and Commons of any such City or Town, by whatever name they be incorporated by, to forfeit an hundred marks of money to the King, as often as they or any of them shall offend the premises, or any part of them." In practice, however, the terms of the charters and the intention of the Legislature have alike been disregarded, and the provisions of the Act of Parliament have been considered as penal, but not prohibitory; imposing the prescribed penalty on the Corporation which violates them, but not invalidating the admission of the persons in whose favour they are infringed.

Election Committees of the House of Commons have, in the cases of Limerick, Wexford, and Waterford, decided that the rights of election there were limited to freemen resident at the time of admission; but these decisions, which asserted a principle theretofore habitually violated in modern practice, have proceeded on evidence of the ancient bye-laws and usages of these Corporations, and in the case of Wexford on the special terms of the charter. In the case of Limerick, the Legislature has interposed by the Act for the regulation of that Corporation, 4 Geo. IV. chap. 126; and made residence at the time of admission a necessary qualification for freedom.

In Carrickfergus, also, the usage has been in conformity with this principle.

Results of the Control exercised by the Governing Bodies over Admission.

That the existence of such Control and influence in such a body over the Admission of the Members is a main defect in the constitution of the Municipal Corporations, the results, contrasted with the objects of the institutions, appear to us to demonstrate.

We apprehend the term Municipal Corporation may, in reference to our present Inquiry, and on a view of the several charters which have come under our notice, be fairly considered to mean an incorporation of persons, inhabitants of, or connected with, a particular place or district, enabling them to conduct its local civil government. Accordingly, the regulation of the Municipal District and its inhabitants, the preservation of the public peace within it by a magistracy chosen by and from the incorporated body, and the administration of justice to the community in domestic tribunals, are among the principal objects for which provision is made in the various charters of incorporation appearing to have been granted from time to time to the corporate cities and towns in Ireland. Another important object of many incorporations was the election of Members to represent their respective cities and towns in Parliament. A further, and one which appears to have engaged more attention in former times than at present, was the protection and regulation of the local trade by means of commercial societies or guilds.

It appears to have always been considered conducive, if not necessary, to the attainment of the first object above noticed,—that of providing for the regulation of the municipal district and its inhabitants,—that the corporate body should be invested with powers to make ordinances or bye-laws for the purpose, and that such ordinances would be the more binding on the inhabitants of the district, and suited to their interests, if made with their common assent. We find, therefore, that in nearly all the charters of Municipal Corporations in Ireland, in which the power of making bye-laws is expressly given, (even in those the most restricted in other particulars,) this power is vested in the whole body, including the commonalty equally with the other members.

All the other objects sought by their creation alike imply that these institu-

tions were originally designed for the peculiar and common benefit of the *residents of the corporate district*, and were intended to be identified in interest with them, and entitled to their confidence and support.

But the consequences of such exercise, as we have described, of the power of admission to the freedom of the Municipal Corporations in Ireland, have been to establish a very different condition of those bodies. It has followed, that in many towns there is no recognised commonalty; that in others, where existing in name, it is entirely disproportioned to the inhabitants, and consists of a very small portion, of an exclusive character, not comprising the mercantile interests, nor representing the wealth, intelligence, or respectability of the town. The Corporations are, not without reason, looked on by the great body of the inhabitants of the Corporate districts with suspicion and distrust, as having interests distinct from and adverse to those of the general community, whom they thus studiously exclude from a participation in the municipal government. Their members frequently consist entirely of the relatives and adherents of particular individuals or families, and the principles of their association, and those which regulate admission or exclusion, have rarely any connexion with the common benefit of the district, or the wishes of its inhabitants. In far the greater number of the close Corporations, the persons composing them are the mere nominees of the "Patron," or "Proprietor" of the borough; while in those apparently more enlarged they are admitted and associated in support of some particular political interest, most frequently at variance with the majority of the resident inhabitancy.

In the town of Belfast the whole Municipal Corporation consists of the sovereign, the lord of the castle, the constable, his appointee, twelve self-elected burgesses, and six freemen.

In Armagh it is as close.

Exclusion of Roman Catholics.

This system deserves peculiar notice in reference to Your Majesty's Roman Catholic subjects. In one Corporation alone, that of Tuam, the majority of the governing body is Roman Catholic, one only of the burgesses being a Protestant. The laws which for a series of years operated to exclude those professing the Roman Catholic religion from Corporations were repealed in the year 1793, by the statute 33 Geo. III. c. 21; but the Roman Catholics have hitherto derived little practical advantage from the change. In the close boroughs, they are almost universally excluded from all Corporate privileges. In the more considerable towns they have rarely been admitted even as freemen, and, with few exceptions, they are altogether excluded from the governing bodies. In some,—and among these is the most important Corporation in Ireland, that of Dublin,—their admission is still resisted on avowed principles of sectarian distinction. Even in those Corporations where rights to freedom are acknowledged and conceded, the long operation of the penal code having prevented the acquisition of freedom by the immediate ancestors of the present Roman Catholic population, very few have been enabled since its repeal to establish the requisite titles.

The admissions which have taken place, whether upon a claim of right or by favour, have, for the most part, been either the result of personal influence with the members of the governing body, or compliments to individuals of wealth or popularity. With the exceptions of Tuam, Galway, Wexford, and Waterford, the rule is exclusion.

In Londonderry, at the passing of the Reform Act, there were only three Roman Catholic freemen.

Previously to the relaxation of the penal code the number of opulent Roman Catholics residing in the Corporate cities and towns was necessarily limited. But since those changes in the laws which have enabled them to share in the general diffusion of wealth and in the benefits of unrestricted industry, they have risen and multiplied in the middle and upper classes, so that, in most of the cities and towns, they constitute not only a majority of the whole population, but a large proportion of the more opulent orders. We feel bound to submit to Your Majesty that a system of municipal polity, which excludes such a class of Your Majesty's subjects from all substantial corporate privilege and power, must be essentially defective in its structure. It fails to secure to the different classes of the local community participation in the regulation of their own concerns; and it operates far more widely, and more mischievously, than by the mere denial of equal privilege to persons possessing perfect equality of civil worth; for in places where the great mass of the population is Roman Catholic, and persons of that persuasion are, for all efficient purposes, excluded from Corporate privilege, the necessary result is

that the municipal magistracy belongs entirely to the other religious persuasion; and the dispensation of local justice, and the selection of juries, being committed to the members of one class exclusively, it is not surprising that such administration of the laws should be regarded with distrust and suspicion by the other and more numerous body.

The unpopular character of the municipal bodies is thus, in too many cases, aggravated by their being considered inimical, on the ground of sectarian feelings, to a great majority of the resident population, and they become instrumental to the continuance of the unhappy dissensions which it has so long been the policy of the Legislature to allay.

Governing Classes: Aldermen, Burgesses, &c.

We have hitherto observed on the mode of election of the members of the Municipal Corporations, and on the defects of their constitution, as they relate to the general body of their members, distinguished from the community or inhabitants at large. We proceed to consider, in relation to these branches of our Inquiry, the Superior Classes, and the Governing Bodies of the Corporations.

The superior classes, in some Corporations, are styled "Aldermen;" in others, "Burgesses," or "Free Burgesses;" and in some there are two such classes; the one denominated "Aldermen," the other "Burgesses." The numbers of each class are usually definite. In Cork the number is indefinite, all such members as have served the office of Mayor being Aldermen. In the Corporations created by James I. the number of free burgesses rarely exceeds 12. These classes are, for the most part, self-elected.

Where a common council has been established to manage the entire or some portion of the Corporate affairs, all the members of the superior classes are, with few exceptions, members of that body. There are, besides, in several Corporations, representatives of the freemen at large, selected to act for them in the common councils.

Actual election, by the freemen, of members, as their representatives, to the council, seldom prevails. In Dublin, 96 members are returned to the council by the guilds of trade which compose the Corporation; in Drogheda 14. To these are added, in the two latter Corporations, a separate class of common councilmen denominated "Sheriff's Peers," being those freemen who have served the office of sheriff. In Dublin the number of sheriff's peers, who can act in the council, is limited to 48; in Drogheda no limit has been fixed to the number.

In Bandonbridge 12 common councilmen (though now without any distinct functions,) are elected by the freemen. In Ardee, where there are 24 burgesses, a select body, composed of six burgesses and six freemen, is elected by the Corporation at large. In Kinsale, a single individual, called "the Common Speaker," is the representative of the commonalty in the council.

In other Corporations, the supposed representatives of the freemen or commonalty in the council are nominated by the superior classes of the Corporation, or by the common councils themselves, without any interference in, or control over the appointment, permitted to the body at large. Thus, in Kilkenny, where there are 18 aldermen, (who elect to their own body,) there are 36 common councilmen, who are elected by the aldermen and common councilmen; and in Waterford there are 19 aldermen and 21 assistants or common councilmen, the entire council electing the aldermen from the assistants, and the assistants from the freemen.

In Londonderry and Coleraine similar arrangements have been established; the common councils comprise 12 aldermen and 24 burgesses; the aldermen must first be burgesses, and the burgesses must first be freemen; the common council elect to both classes.

In Cork the common council consists only of 24 members, comprising the mayor, recorder, sheriffs, and aldermen, and so many, elected by the freemen from the burgesses, as will make up that number. A "common speaker" is elected by, and is supposed to represent them; but although he is admitted to the meetings of the council, he is not permitted to vote.

The common council of Athlone consists of an indefinite number of persons, usually, as at present, 20, who are selected out of the burgesses and freemen; the burgesses, (12 in number,) and the members of the council, are elected by the council itself, and all hold for life.

In some Corporations the freemen have been altogether excluded from the governing bodies. In Carrickfergus, the body called "The Assembly" is composed of 17 aldermen, and 24 burgesses; each class is self-elected; the aldermen

from the burgesses; but the burgesses not necessarily, and in practice very rarely, from the freemen. In the greater number of the Corporations created by James I., the free burgesses have assumed the entire government of the Corporate affairs, to the exclusion of the freemen altogether.

The "New Rules" made for the regulation of Corporations in the reign of Charles II., under the peculiar provisions of the Act of Explanation before alluded to, extended the principle of self-election in some Corporations, and made other provisions for controlling the constitutions of these bodies, which it may be convenient here to notice.

"New Rules."

The Corporations for whose government the "New Rules" make special provisions are those of

Dublin	Athlone
Drogheda	Londonderry
Limerick	Carrickfergus
Galway	Coleraine
Cork	Strabane
Waterford	Charlemont
Kinsale	Trim
Youghal	Dundalk
Cashel	Kilkenny
Clonmel	Wexford and Ross.

In Drogheda, Limerick, and Galway, the elections of all the Corporate officers are exclusively restricted to the common councils of those Corporations, and it is ordained that no matter shall be debated in any general assembly in them until it shall have first passed the common council. The "New Rules" for all the above Corporations, except that of Drogheda, require the names of the mayor, or other chief magistrate, sheriffs, recorder, and town clerk, to be submitted for approval to the Lord Lieutenant and Privy Council of Ireland.

General Constitutions as to Election of the Governing Classes.

In the Corporations created by King James I., the Corporate Body was made to consist of a chief officer, twelve or more free burgesses, and a commonalty.

To the chief officer and free burgesses was exclusively given the Election of the chief officers, the supplying vacancies in the body of free burgesses, the admission of freemen, and the return of Members to Parliament. The powers of making bye-laws, and electing inferior officers, are generally the only Corporate functions in the exercise of which the commonalty or freemen are enabled to join.

Similar in effect, though not always with the same simplicity of form, are the constitutions of nearly all the Irish Municipal Corporations; and the condition of those, in which more popular principles are found, affords generally but an apparent exception to the prevailing character of the governing bodies. We have before, in noticing the existing state of the Corporations, specified those in which alone the commonalty or freemen have any voice in, or control over the election of the Corporate officers, or the management of some of the Corporate business; but there are few, even of them, in which the election of the governing class is effectively vested in the general body. Thus in Bandonbridge, Carrickfergus, Cashel, Galway, Kinsale, Limerick, Monaghan, Tuam, and Wicklow, the governing body is self-elected. In Callan the entire Corporate Body comprises about twenty members, among whom there is no apparent distinction of Corporate power, and all are the mere nominees of a patron. The Corporations of Ardee, Dingle, Dundalk, Naas, and Navan, may be almost similarly described, with some variation as to numbers. The Corporation of Maryborough has but a nominal, if any, existence. In Drogheda part of the governing body, or Assembly, "the Aldermen," are self-elected; part, the sheriffs' peers, elected by the Assembly; and the remainder elected for life by guilds of trades. In Clonmel the burgesses are elected by the general body, but they can only elect persons proposed to them by the common council, which body has, in fact, the entire control over the elections by its possession of the exclusive function of admitting freemen. The right of election of all the members of the Corporations of Trim, Youghal, and Wexford is vested in the entire Corporate Body in each; but the last is, perhaps, the only one of these in which a practically open constitution exists; as, in Trim,

from the exclusive sectarian feelings of the body, and in Youghal, from the sole power of proposing freemen exercised by the mayor, and the subjection of the Corporation to its Patron, the Corporate Bodies consist, in the one, of a very limited section of the community, in the other of the mere nominees and adherents of an individual.

The constitutions of the cities of Dublin and Cork require more particular notice.

Dublin.

The Corporation of the city of Dublin is the only one in which all the members of the select or governing body are not elected for life. The common council consists of two bodies, which sit apart; the lord mayor and board of aldermen in one chamber, the sheriffs and commons in another. The commons are composed of the sheriffs' peers, who are not to exceed 48, but in practice are not so numerous, and of 96 members elected and returned triennially by the various guilds of trades of which the Corporation is composed. The right of election in all these guilds, for their respective representatives, is open to the general body of their members, with the restriction that no person can vote for common councilmen in more than one guild. The sheriffs are elected by the lord mayor and aldermen out of a certain number of citizens returned to them for that purpose by the commons; the aldermen by the commons, out of a certain number of sheriffs' peers elected and returned to them by the lord mayor and board of aldermen. The lord mayor is elected by the board of aldermen out of the aldermen, but subject to the approval of the commons. The sheriffs' peers and aldermen are members of the common council for life.

We have noticed in our observations on the admission of freemen the absolute control exercised by the common council of Dublin over the admissions, a control which, directed by the avowed sectarian feelings of this Corporation, has practically rendered its governing body, not the representatives of the general community of the metropolis, but the head of a limited portion of the inhabitants, comparatively few in number, and avowedly exclusive in opinion.

Cork.

By the constitution of the Corporation of Cork a more direct power is vested in the body of freemen. There is a select body, or common council, consisting of the mayor, recorder, sheriffs, and aldermen, and as many elected from the burgesses as will make the number twenty-four. The acts of this body are subject to the approval of the Court of Freemen, called the Court of d'Oyer Hundred, and the election of its members is vested in this court;—but the freedom of choice is, in practice, by means of an association of a certain class of the freemen, of exclusive political opinions and religious profession, called "The Friendly Club," entirely under the control of this self-constituted body.

With such exceptions as we have thus noticed, the governing bodies of the Irish Corporations are self-elected and irresponsible; yet in such bodies the admission of members, the selection of the local officers, judges, magistrates, and police, the administration of the patronage, property, and funds of the Corporations, and the general conduct and disposition of the affairs of the municipality, are absolutely vested.

This serious defect in the constitutions of the Municipal Corporations is aggravated by the fact, that the majority of the members are frequently non-residents.

Non-residence.

If the governing bodies, as, we apprehend, the general principles of municipal law and the charters of the Irish Corporations required, consisted of individuals resident in the respective Corporate towns, the bodies might, to some extent, be regarded as identified with the community over which they presided, and a guarantee of some practical value would exist for that attention to the local government which it was the object of the incorporation to provide; but the political spirit of the times induced the Legislature, in the year 1747, to dispense with the important qualification of Residence for Corporate offices in all, save a very few, of the Irish Corporations, by the statute 21 Geo. II., chap. 10, sec. 8, of the Irish Parliament, which, reciting that "many of the towns Corporate and boroughs, not being cities which send Members to Parliament, had been obliged, for want of Protestant inhabitants resident in the precincts of said towns Corporate and boroughs, to elect into the offices of burgesses and other offices in the said Corporations persons who did not inhabit, or could not be resident, in the precincts thereof; that it had been questioned whether persons, not inhabitants within said Corporation,

Statute 21 Geo. II. c. 10.

could, within the letter of their respective charters, or some of them, be elected into or act as burgesses or other officers within such towns Corporate or boroughs; and that it still continued impracticable in most of the said towns Corporate and boroughs to find Protestant inhabitants, who, on account of their circumstances, were fit to be trusted in such offices," enacted, "that no person who had been or should be in all other respects duly elected and admitted into any of the said offices or franchises, in any town Corporate or borough not being a city, should be ousted out of any such office or franchise as aforesaid, or be any ways sued, prosecuted, or molested for, or by reason only of his not being an inhabitant of, or resident within, said town Corporate or borough, at the time of his election, but should hold, exercise, and enjoy such office or franchise as fully and effectually to all intents and purposes as if such person or persons was or were inhabitants of, or resided within such town Corporate or borough at the time of election."

The effect of this enactment was, to deprive a vast number of the Corporations of a resident governing body. In some cases a few, rarely the majority in number, of the Municipal Council were inhabitants of the town, while in some the whole chartered body of burgesses became composed of non-residents, some of whom formally attended at elections of the Corporate officers and Members to Parliament, or on occasions of the disposition of Corporate property, but in no other way interfered in the local government. In many of the existing Corporations this anomalous and injurious practice still continues, and the attending members, on occasion of election to Corporate offices, are so few, that the validity of the Corporate proceedings, and the very existence of the Corporation, become subjects of doubt.

Patronage.

Some Charters gave a direct power of interference and control in the Corporate elections to the lord of the manor or landed proprietor of the town in which the Corporation was established, while, in others, the powers given to a small, self-elected body, became naturally centred in its most influential member.

With few exceptions the influence once acquired by persons of rank or property in the Corporations was without difficulty perpetuated by the powers of self-election in the ruling bodies; until, by degrees, in many, the Corporate bodies became (as we have found them, and as they appear to have been for a series of years) composed almost exclusively of the family or immediate dependants and nominees of the individual recognised as the "Patron" or "Proprietor," and acting solely according to his dictation, and for his purposes, in the election of the municipal officers, the administration of the Corporate property and affairs, and the return of Members to Parliament for the borough.

The power of electing non-resident burgesses, given by the statute we have referred to, was instrumental in preserving to the patron this predominant influence.

We cannot reconcile with any reasonable principles of municipal government, the condition to which so great a number of the Irish Corporations have been thus reduced, the inhabitants excluded from participation in the election of the Corporate authorities or the management of the Corporate affairs, and the whole power of local government vested in a non-resident body, exercising or neglecting it as suits the wishes or convenience of their patron.

The influence thus acquired became regarded as the property of its possessor, and was transmitted as part of the family inheritance to his descendants. In some instances, it was made the subject of pecuniary purchase; in some, as in the case of Waterford, partitioned, by agreement, between contending interests; and this species of property was formally recognised as the subject of compensation, when the Legislative Union between Great Britain and Ireland deprived many of the Corporate towns, or rather their patrons or proprietors, of the privilege of returning Members to the Irish Parliament.

The list of towns we have given, in which the Municipal Corporations have become extinct since that period, shows the purposes to which the patrons looked in the preservation of the nominal constitution of the Corporate body, and demonstrates the inefficacy of the Corporate institutions to answer the useful objects of their foundation.

Many of those which were then allowed the privilege of returning a Member to the Imperial Parliament still retain a Municipal Corporation under the same system of patronage, which also prevails in several of the other subsisting Corporations, where the administration of Corporate property, and the emoluments of Corporate office, are of sufficient importance, either in profit or influence, to make its retention an object of consideration.

The local Reports exhibit the mode in which this influence is still exercised, and the purposes to which it is made subservient.

In Bandonbridge and Tralee, the patrons have contributed to the maintenance of the municipal officers; in Bandonbridge, the patron paid the salaries of the different officers until 1833, when he apprized the Corporation that he would no longer continue to do so, and "discharged them of the trust" which they held for him. In Tralee, the greatest part of the provost's income is derived from tolls, which are the property of the patron of that borough, and which he has for some years permitted the provost to receive.

General Defects.

In treating of the Defects in the Municipal Corporations, regard must be had to two perfectly distinct considerations. First, of their structure and operation with reference to the classes which compose them. Secondly, of their structure and operation with reference to the nature of the communities in which they are placed, and to the condition of civil society at the present day, contrasted with what it was, when these municipalities were first called into existence.

As to the structure and operation of these bodies, with reference to their component members, particular defects in the constitutions are noticed in the separate Reports as they came under our observation. Those which appear to us to prevail generally, and to influence most injuriously, the condition of the Corporations, are,

First, The power of self-election in the governing bodies;

Secondly, The absolute control vested in these bodies over admission to the Corporate franchise;

Thirdly, The dispensation with residence, as a qualification in their members and officers.

But the most important consideration, relative to these municipalities, is that which has reference to the nature and condition of the existing communities with which they are connected, and to the exclusion of the inhabitants at large from an effective place and voice in the management of the local concerns and funds, and in the appointment and control of the officers.

If self-election were abolished—if residence were enforced—if all existing rights to freedom were everywhere admitted, and the freemen at large shared the power of electing the officers and regulating the concerns in each municipality, the basis of the Corporation would be enlarged, but the change would not ensure a fair representation of the whole local community.

The freemen, in Corporations the most popular, consist of two classes; those entitled by birth, servitude, or marriage; and those admitted, not upon any claim of right, but by mere favour. It follows, that if the whole Corporate power were given to the freemen at large, the Corporate body, so far as there was admission by right, would consist of persons not necessarily possessed of substantial property, nor necessarily including a representation of the different classes of the community. So far as there was admission by favour, it would be, in effect, purely self-elected. It is plain that such a body might exist, with all the forms of popular election, and with a large number of freemen as its basis, and yet continue for generations to represent only a section of the inhabitants.

The creation of a class exclusively privileged, from its connexion (by servitude, birth, or marriage) with the members of the Corporation, whether divided into guilds, or not comprising such establishments, may have been a scheme of local polity accommodated to the constitution of things which existed at the origin of these institutions. But the changes which society has since undergone, the diffusion of wealth, and the security of its enjoyment, among persons engaged in traffic, who have not served any apprenticeships to particular trades, demonstrate that the structure of these Corporations was planned for purposes which, in the altered condition of society, are not suited to the wants or accordant with the circumstances of existing communities.

We do not hesitate to submit to Your Majesty, as one great and pervading defect in the structure and constitution of these Corporations, that they provide no means and contain no constituency by which the property, the interests, or the wishes of the whole local community may be secured a fair representation in the Corporate Body.

The ill effects of withdrawing the management and direction of municipal affairs from the control and vigilance of the community, and from responsible authorities, have been long felt; and endeavours have been made by Parliament to remedy the

evil, and to provide for the due exercise of municipal functions, in relation to the paving, lighting, cleansing, watching, and improving of Corporate towns, *by various local Acts*, vesting such authorities in separate boards, either, as in Dublin, under the appointment and control of the Crown, or, as elsewhere, in select bodies of the inhabitants, under the names of commissioners, elected by the resident householders, who contribute to the necessary assessments; in the latter class of cases *recognising the value of election by the general inhabitancy, without other distinction than the degree in which they contribute to the exigencies of the town, as well as the necessity of submitting the expenditure and accounts of the public funds to the vigilance and control of the people themselves.*

These principles have been extensively adopted in the recent enactments of the statute 9 Geo. IV. c. 82, which provide for the establishment in Corporate and other towns, in Ireland, of a resident board for these useful purposes, elected triennially *by and from the inhabitant householders*, and the provisions of which we have found already in force in many Corporate towns.

These and other late Acts of the Legislature relating to borough constituencies in the several parts of the United Kingdom we humbly submit to be deserving of Your Majesty's Royal consideration, in determining what constituency is required, and may form the surest basis for any reform or new establishment of the Municipal Corporations in Ireland.

The mode of electing and appointing the officers of the Municipal Corporations will conclude this branch of our Inquiry.

Officers. Mayor, &c.

A chief Officer is annually elected in each of the Municipal Corporations, under the title of "Mayor," "Provost," "Portreeve," or "Sovereign." In Maryborough the title of this officer is "Burgomaster."

Sheriffs.

In the Corporate districts which are counties of cities and counties of towns, and in Londonderry, which is a county and city, two Sheriffs are also annually elected. In some other Corporations, as Athlone, Athy, Cashel, Clonmel, Kells, Naas, Portarlington, Wexford, and Youghal, we find two officers annually elected under the name of Bailiffs, Provosts, or Portreeves, whose position and functions bear analogy to those of sheriffs; and in the charters which first give the latter title it is expressly substituted for that of bailiffs, which appears to have been the early designation of such officers.

Recorder.

The office of Recorder is in some cases expressly created by charter; in some we have found such an officer appointed without this authority. The appointment is in some cases, in form, annual. In Dublin and some other Corporations, it has been made permanent by statute. The qualification of being a barrister is generally required for this office, whether prescribed by charter or not. The office of recorder is rarely united with that of town clerk. A provision to that effect occurs in the charters of some unimportant towns; but in practice the offices are almost everywhere distinct.

Coroner.

The office of Coroner for the Corporate district is, in some places, united with that of mayor or provost; in others (and we think more properly) it is a separate office. There are very many Corporations without such an officer.

Town Clerk.

A Town Clerk, who in counties of cities and towns is also usually the clerk of the peace, is a common officer in all the Corporations. In Limerick he is also Clerk of the Crown.

Treasurer.

In those where the revenues are of importance, a Treasurer or chamberlain is appointed.

Inferior Officers.

Officers of ceremony, as swordbearers or macebearers; and of police, as constables, serjeants at mace, or town serjeants; and other Inferior Officers of various denominations, as criers, bellmen, &c., are found in most Corporate cities and towns.

Pecuniary Qualification.

The only Pecuniary Qualification we have found required for Corporate office is in Dublin, where the sheriffs must by statute be possessed of £2,000 each. An oath of qualification to this amount is required to be taken by candidates for the office; but instances have occurred of its administration being evaded.

Election of.

By the earlier charters, as we have already observed, no exclusion of any class from the right of election of the Corporate officers was provided. In those of James I. and his successors, the power of electing the chief officers and burgesses has been given to the governing bodies, while the election of serjeants at mace and other inferior officers was left to the entire Corporate body. In practice, however, from the present condition of the great majority of the Corporations, this distinction is of no importance, and in general we may say that the election and appointment of the Corporate officers are in all, save the few hereinafter noticed, vested in the self-elected bodies we have already described.

The restrictions imposed on the Corporations by the "New Rules" have been before stated. It is only necessary here to repeat, that by them the elections to all the offices of the Corporations of Drogheda, Galway, and Limerick, are limited to the common councils of those places.

In Carrickfergus the chief officers are elected by a general assembly of all the classes of the Corporation.

In Bandonbridge, Dublin, Monaghan, Tuam, and Wicklow, although above enumerated among the Corporations in which freemen have some power, yet the select or governing bodies, constituted as we have described, exercise exclusive powers of election. The observations we have made on the constitution and election of burgesses in Ardee, Callan, Clonmel, Dingle, Dundalk, Maryborough, Naas, Navan, Trim, Wexford, and Youghal, apply equally to the mode of election and appointment of all the officers of those Corporations.

In Cashel the recorder is elected by the aldermen; the mayor, bailiffs, and town clerk are nominally submitted to an election by the freemen in their common hall; but this is a mere form, the governing body in effect constituting that assembly also. The inferior officers appear to be appointed without even this ceremony, by the mayor alone.

In Kinsale the sovereign, recorder, and other officers, are elected by the general body in a Court of D'Oyer Hundred; but as the common council of that corporation claims the exclusive power of admitting freemen, and no right to freedom is recognised, the elections of Corporate officers may be said to be made by the common council.

Cork.

In Cork all the officers are elected by the general body of freemen, in the Court of D'Oyer Hundred; but the bye-laws of the Corporation, and the exclusive association of "The Friendly Club," already alluded to, in that city, practically defeat this freedom of election, and reduce the constitution in its most important branch to an idle form. The mode in which this is effected is as follows:

By a bye-law of 1721, the mode of election of the mayor is prescribed to be by drawing by ballot from a hat the names of five of the resident burgesses who have served the office of sheriff, and out of those five the freemen are to elect one to the office of mayor for the ensuing year. "The Friendly Club" established as one of their rules, that all the members of it were bound to vote for the senior burgess of the five whose names are so drawn, and thus by the influence of this large body, of whom above 300 are resident in the city, the election of this chance candidate became perfectly secure. By a late relaxation of the rule, to prevent the election of an obnoxious individual to the office of mayor, the members are now at liberty to vote for either of the two senior burgesses whose names are drawn. The election of sheriffs is even more directly subjected to the exclusive influence of this association, two of the candidates for that office being first nominated and chosen in the club and from its members, and another rule binding all the members to support the candidates so chosen. As the burgesses of this Corporation are those who have served the office of sheriff, and the mayor must be elected from the burgesses, while the aldermen are only those who have served the office of mayor, it is plain that the union and arrangements of "The Friendly Club" have substantially vested in that body the entire dominion of the Corporation.

Re-election.

The charters do not contain an express prohibition of the Re-election of the same individual to Corporate offices. In some cases a constructive restriction of this nature is imposed, by providing that the mayor, or other chief officer, shall be sworn into office before his successor, but the practice is frequently not in conformity with this principle. In some, the constitution of the body practically prevents such re-election, by placing the officer, at the expiration of his year of office, in a particular class of the Corporation, distinct from that out of which he

has been elected. Thus, in Cork, the ex-mayor becomes an alderman, and the ex-sheriffs burgesses; in Dublin the ex-sheriffs become sheriffs' peers. The local Act, for the regulation of the Corporation of Limerick, provides that no person shall be elected sheriff for three years after he shall have served the office. In many Corporations the same individual has for years performed the functions of chief magistrate, either by continued re-election, or by being appointed alternately either principal or deputy. In Carrickfergus, Galway, and Kilkenny, the same persons continue for several successive years in office as sheriffs, contrary to the policy of the law as to that officer, and to the express provisions of the Legislature as to sheriffs of counties at large. The same practice long prevailed in Limerick, before the enactment of the statute we have just referred to.

Deputies.

The power of appointing deputies is in some charters given to the mayor, provost, or other chief officer, and to the recorder. This power is sometimes exercised in the case of the latter officer; the propriety of such delegation of magisterial and judicial functions is very questionable. The members of the governing classes, who are non-resident, usually, if appointed to the office of chief magistrate, depute the exercise of its functions to some resident member, and the same appointee of an individual frequently holds the power and authority of the office for many years, although the charters usually limit the power of appointing a deputy to occasions of the illness or necessary absence of the officer, and plainly import that residence in the Corporate town was at least an implied condition of the tenure of his office. But while the dispensation as to residence, given by the statute 21 Geo. II. c. 10, above mentioned, is permitted to continue, the power of appointing a deputy to the chief magistrate seems its necessary consequence.

The power given by law to sheriffs to delegate the duties of that office to their sub-sheriffs has been acted on in Dublin in a manner which is substantially a farming of that office, and not always to the sub-sheriff himself, but to certain individuals who act as clerks or in subordinate stations in the Sheriff's Office. These persons sometimes recommend a nominal sub-sheriff, for whom they provide the necessary security (£20,000); they engage to pay to each high-sheriff a certain sum, varying from £1,200 to £1,500, and to pay the expenses of the office, and a small salary to the nominal sub-sheriff. The ordinary duties of the office are performed by these clerks, the sub-sheriff being merely nominal, while the high-sheriffs decline interference with the details of business, lest it might prejudice the security given for the conduct of the sub-sheriff. Thus absolute control over these very important public duties is placed in the hands of individuals filling no ostensible station, and deeply interested by the terms of their bargain in the rigid exaction of the official fees. In the Report on the Corporation of the City of Dublin, this subject, and the conduct of that office, are more fully detailed, and we humbly submit them to Your Majesty's Royal consideration, as deserving attention and early correction.

Fourth Head. Privileges of Freemen, &c.

IV. The Privileges of the Freemen and other Members.

We have above observed upon the privileges exercised or possessed by the freemen, and other members of the Municipal Corporations, in the election and appointment of the members and officers. The freemen are generally entitled to join with the other members in the enactment of bye-laws, and, in a few Corporations, the general administration of the Corporate affairs or property is participated in by them either in common with the select classes, or by having submitted to their approval in their general court, called by the ancient names of D'Oyer, or Dear Hundred, or the Tholsel Court or Common Hall, the previous acts of the common councils. Such courts or assemblies exist with various degrees of practical power in Bandonbridge, Cashel, Clonmel, Cork, Galway, Kinsale, Limerick, and Youghal. In Limerick the court, after having been disused for many years, has been restored by the Act for the regulation of that Corporation, passed in 1823, and already noticed. Many of the freemen complain that the members of the common council attend and vote as freemen in the court,—a practice which seems to prevail in all such assemblies. The Court of D'Oyer Hundred of Cork is a powerful and influential assembly. Those of the other Corporations above mentioned are comparatively inefficient and useless.

Elective Franchise.

In the following cities and towns freemen possess the privilege of voting for

Members of Parliament, subject to the general provisions of the Reform Act as to residence, &c.

Athlone,	Galway,
Carrickfergus,	Kilkenny,
Cashel,	Kinsale,
Clonmel,	Limerick,
Coleraine,	Londonderry,
Cork,	New Ross,
Drogheda,	Portarlington,
Dublin,	Waterford,
Dundalk,	Wexford,
Enniskillen,	Youghal.

In the remaining boroughs which possess Municipal Corporations, and return Members, the chief officers and burgesses are the only members of the Corporations who enjoy, as such, the elective franchise.

Exemption from Tolls.

We have generally found that, in such Municipal Corporations as are still in receipt of Tolls and Customs, the freemen and other members of the Corporation are exempt from payment of them.

In some, this is a valuable privilege to individuals, and makes the acquisition of the freedom of the Corporation an object of pecuniary importance. It, however, tends to perpetuate the exclusion of the inhabitants from the Corporate franchise, by giving to the governing bodies an additional interest in the restriction of the number of freemen, and adds to the unpopular character of the Corporations, by exhibiting, in the enjoyment of substantial benefits, those whom they have favoured by the concession of advantages to which the general body of the inhabitants consider themselves equally entitled.

Many of the earlier charters of incorporation conferred on the citizens general exemptions from tolls, customs, and various other charges, throughout the dominions of the monarch or lords by whom they were granted. We have rarely found instances of the enjoyment, in modern times, of any privileges under such grants. We have noticed, in the separate Reports, such as have come under our observation.

Privileges as to the Corporate Property.

Under the usages and bye-laws of some Corporations valuable and exclusive Privileges have been conferred upon freemen and other members as connected with the enjoyment of the Property of the Corporations, as in Drogheda, where, until the year 1833, they alone were permitted to become tenants of the Corporate estates, and are still considered entitled to renew leases at one-fourth of the annual value, fining down another fourth at rates arbitrarily fixed upon, and varied at different periods.

In Kells and Trim, tracts of land in possession of the Corporation are divided into certain portions, and allotted to the members. In other places rights of common are enjoyed by them. Pensions or annuities of small amounts are granted in Limerick to the widows of aldermen and burgesses, and the members have some trifling perquisites derived from the salmon fishery near the city, which is the estate of that Corporation.

In Drogheda the distribution of certain charitable funds by the corporation is confined, with scarcely an exception, to freemen and their families.

Eligibility to Office.

Eligibility to Corporate Offices and stations is, perhaps, the most important of the local privileges of freemen; but in many, especially of the close Corporations, the value of this qualification is destroyed, as the nominee of the governing body, or of its patron, is, if necessary, qualified, by admitting him to the freedom immediately before election to the office.

Guilds of Trades.

The privileges and powers given by their charters to the several Guilds of Trades which still exist in Dublin and some other Corporations, for the regulation of their respective trades, have generally fallen into neglect and disuse, and these bodies now exercise very little control over, and in some cases have but little connexion with, the trades which they profess to represent. In those of Dublin, their character and proceedings are generally marked by the same exclusive principles which we have noticed as distinguishing the Corporation at large.

Fifth Head: Jurisdiction and Powers in the Administration of Justice, &c.

V. The Jurisdiction and Powers of the Corporations in the Administration of Justice, and in all other respects.

Under this head we include the jurisdictions and powers vested in the Corporations, or exercised by their officers, and their general functions in reference to the public.

The early charters conferred on the resident burgesses and citizens many exclusive privileges, exempting them from the jurisdiction of external tribunals, and giving to them power to hold pleas, both criminal and civil, within the Corporate district; those exemptions are no longer regarded, and relate to usages and jurisdictions long obsolete.

Criminal Jurisdiction, Counties of Cities, &c.

Such of the Corporate districts as have been created counties of themselves, of which there are eight, possess exclusive Criminal Jurisdiction.

These are,

The county of the town of Carrickfergus,
The county of the city of Cork,
The county of the town of Drogheda,
The county of the city of Dublin,
The county of the town of Galway,
The county of the city of Kilkenny,
The county of the city of Limerick, and
The county of the city of Waterford.

The ordinary duties of the justices of the peace are exercised by such officers of the Corporations as are, by charter, invested with the authority of magistrates; in some instances additional magistrates have been appointed under Acts of Parliament.

The charters of Cork, Carrickfergus, and Dublin, constituted the mayor, and some of the other magistrates, justices of oyer and terminer and general gaol delivery; the ordinary criminal business of those cities is transacted at quarter sessions, the more serious offences and the general delivery of the gaols being reserved for the judges of the superior courts under their commissions of oyer and terminer, &c. In those commissions the mayors of the several counties of cities and towns above mentioned are associated, (a ceremonial in which we see no practical utility,) while the recorders are omitted, even in Dublin.

Magistrates.

The chief officer of every Corporation is, generally, invested with the powers and authority of a justice of the peace, and he, or his deputy, is in practice the Chief Magistrate, while in office, within the Corporate limits: in some places he is, *ex officio*, a justice of the peace for the adjoining county. There are few Corporations, except those of the counties of cities and towns above enumerated, in which the Corporate authority is exclusive of that of the general magistracy of the county at large; those to which such exclusive authority has been granted are,

Exclusive.

The Corporations of

Athlone,
Londonderry,
Dingle,
Kinsale,
New Ross, and
Youghal.

In Dingle the exclusion is not in practice regarded. In Athlone, Kinsale, and New Ross, difficulties occur in adjudicating on the numerous class of cases which require the presence of two magistrates, when a resident or neighbouring county magistrate is sometimes called in, who, being without Corporate jurisdiction, can add nothing to the legal character of the tribunal. The uncertainties and difficulties of this state of things must be prejudicial to the administration of justice.

Boundaries.

The irregularity of Boundaries is also productive of inconvenience in this respect. In some cases, the actual or supposed limits of boroughs extend into two adjoining counties,—a circumstance which gives rise to several jurisdictions within the Corporate district. Thus, Portarlington is partly in the King's County and partly in the Queen's County; Athlone, partly in Westmeath and partly in Ros-

common. In Carlow the sovereign is, by the charter, a justice of the peace for the county of Carlow, but has no jurisdiction in the suburb of Graigue, in the Queen's County, which immediately adjoins the town, and is included by the Boundary Act within the borough of Carlow for the purpose of Parliamentary representation, but is not within the Corporate limits.

The increase of population and modern improvements has, in many places, produced a considerable extension of the Corporate towns beyond the original borough limits. This is remarkably the case in the city of Dublin, a very large proportion of which, in extent and opulence, is not within the Corporate jurisdiction, or contributory to the local grand jury assessments. The inconvenience of this state of things has been, to some extent, corrected by the Boundary Act in the boroughs returning Members to Parliament; but it is desirable that in all Corporations, and for all municipal purposes, the actual limits of the place and those of the local jurisdictions should be identical, and should extend with uniformity on every side, and be distinctly defined.

Charter Justices.

The Corporate Charter Magistrates are usually those only who hold the temporary offices of mayor, provost, &c.; but in some cases the charters also confer magisterial authority on other officers, or on the individuals belonging to a particular class of the Corporation, (as the aldermen,) or on some of the senior members of it, or on those who have filled particular offices; and, where so conferred, it is generally for life. In no case are Corporate Justices amenable to the direct superintendence and control of the Crown, as is the case with the county magistracy; and, constituted as the great majority of the Corporations now are, the general body of the inhabitants have no voice in the election of these functionaries. It thus happens, that with few exceptions, in the Corporate cities and towns, the private patron or self-elected council has the nomination of the magistracy, independent alike of the authority of the Crown and the opinion of the public.

From the restriction in the number of charter magistrates and their tenure of office for life, it follows, and we think it is a serious defect, that however incompetent or infirm the individual may be or become, on whom such authority devolves, there is no power of correcting the evil by removal, and the substitution of qualified or efficient persons.

Statute 7 Geo. IV. c. 61.

Provision has been made to obviate the deficiency by the statute 7 Geo. IV. c. 61, which, however, is not sufficiently comprehensive for the purpose. This and the local Acts relating to Limerick and Galway, which contain similar provisions, have been acted on by the Lord Lieutenant, in

Drogheda,
Galway,
Limerick,
Waterford,
Carrickfergus, and
Kinsale.

In this last town, the appointment has not answered the intended object, as the individual chosen has been sovereign of the Corporation almost every alternate year for more than 20 years, and that officer is the only resident charter justice.

Cork.

In the cities of Cork and Dublin all the aldermen are by charter justices of the peace for life; in both, special provisions have been made by statute for the execution of the functions of the magistracy out of sessions. In Cork, six of the aldermen, called "Aldermen of the Wards," elected for life by the Court of D'Oyer Hundred, are especially required to attend to this duty at a public office, where alone any fees can be taken for such business. The other aldermen do not interfere, and much public inconvenience appears to exist.

Dublin.

In Dublin the magisterial business is transacted at four divisional offices of police, to each of which an alderman, sheriffs' peer, and barrister, selected for life, are attached, with fixed salaries. The remaining aldermen act as justices at an office called "The Rotation or Crown Office," which is little resorted to, but where, under the provisions of the Police Act, fees may be taken: they rarely perform any other magisterial duties, except in attending at the Court of Quarter Sessions, where the presence of two of them, with the mayor or recorder, is considered necessary, in point of form, to constitute the court.

The acting aldermen and sheriffs' peers are, as we have observed, appointed for life, and the Police Acts, under which they are appointed, are defective in the provision made for their retirement, when, from advanced age or infirmity, they become incapacitated for the full and active exercise of their duty.

Lord Mayor of Dublin.

The Lord Mayor of Dublin exercises, as chief magistrate, a very extensive magisterial jurisdiction in the adjudication of fines under penal Acts of Parliament. The fees paid on these proceedings form part of the emoluments of the office of his secretary, and this office has been frequently farmed by the lord mayors for stipulated sums. The mode in which this jurisdiction has been exercised has furnished just grounds of complaint; the particulars are detailed in the local Report, to which we humbly refer.

Extinct Corporations.

The Corporate towns in which the Municipal Corporations have become extinct remain without the superintendence and advantage of a local chief magistrate, and there are many subjects of domestic police, particularly those connected with the regulation of markets, weights and measures, &c., which, in consequence, remain almost wholly unattended to, and the neglect of which is felt seriously by the inhabitants. The provisions of those Acts of Parliament which are to be carried into effect by the chief magistrates of Corporate towns must in such places be considered as inoperative. Newry is a remarkable, but not solitary, instance of the mischief.

Civil Jurisdiction. Local Courts of Record.

The Jurisdiction and powers of the Municipal Corporations in the administration of justice, in civil cases, are exercised with general similarity of practice in local Courts of Record; in the greater number of towns, the jurisdiction is limited to debts of a small amount; in some, as Dublin, Limerick, Cork, &c., it is without limitation in that respect. The most common limit we have found, and it is very generally that prescribed by the charters of James I., is five marks, equal to £3 1*s*. 6*d*. of the present currency. These jurisdictions are often expressly created by charter; in some Corporations, they claim existence by prescription. The judges are the annual chief officers of the Corporation, such as the mayor, or mayor and sheriffs, provost, or portreeve, &c. The recorder, where such an officer exists, instead of being (as might be expected from the professional qualifications supposed to be requisite for the office) a judge of the court, possessing authority in his own person, is in several places, of which Dublin is one, permitted to assist only as assessor, or adviser of the presiding judges, who are persons without legal knowledge, or previous practical experience. This is a very serious obstacle to the due administration of justice in these courts, and is aggravated by the circumstance, that the emoluments of the office of recorder are rarely such as to induce this officer to reside, or devote a sufficient portion of his time to the local duties of the station.

It may be difficult to secure the regular attendance of a competent professionally educated judge, without adding heavily to the expenses of the suitors or the charges of the municipality. To none other, in our opinion, should the administration of these functions be committed.

In Cashel, Galway, Kilkenny, and Waterford, by charter, and in Cork and Kinsale, by special Acts of Parliament, the recorders are judges of the local Courts of Record.

Practice in.

The most usual mode of commencing a suit in these courts is by the process of attachment against the goods of the defendant, to compel his appearance,—a proceeding which seems popular with the inhabitants of Corporate towns, and, when under proper control and well administered, may be made a useful instrument of justice. Many of the debts sued for before such tribunals are engagements contracted by strangers with the inhabitants, who, without the aid of the process of attachment, have no adequate means of enforcing the appearance of the defendant in the local court, or security for payment of the debt. Instances of abuse of this process, from its nature, must sometimes occur; but we have not had satisfactory evidence laid before us of any of such magnitude as to warrant us in considering this process unfit to be continued under proper regulation. The statute 36 Geo. III. c. 39, (Ir.) prohibits its being issued without an affidavit stating that the cause of action arose within the local jurisdiction, or that the defendant resides within it. This latter clause cannot, we think, be taken as establishing that a defendant residing within the district may, against the general principles of law, be sued for a

debt not contracted within the jurisdiction; and the statute does not expressly require that the affidavit should depose to the truth of the debt. The not requiring an affidavit to that extent may lead to some abuses of the process; and we have found in some cases the affidavit required by the 36 Geo. III. c. 39, dispensed with in practice. Arrest of the person, except in execution, is now rare in the local courts, the statutes prohibiting such arrests, except for debts of £20 and upwards, having fixed an amount generally exceeding the pecuniary limit of the jurisdictions. In Kilkenny we find an instance of a court, in which a writ to arrest the person appears to be considered the only process by which a suit can be commenced.

A singular provision is contained in a charter of Cashel, expressly giving jurisdiction to the local court in cases under 40*s.*, though the cause of action should arise outside the Corporate limits.

Defects.

The legal course and forms of pleading in these courts are conformable to those of the superior courts of justice, the prolixity of which adds considerably to the delay and expense of the proceedings. In some cases the practice has, though without authority, deviated into the simpler forms of the Civil Bill Courts. The costs, which are to some extent at the discretion of the judges of those courts, are quite disproportionate to the usual amount of the debts sued for in them; the comparative cheapness of proceedings by civil bill before the assistant barristers, and in suits for wages before the magistrates at petty sessions, have tended to diminish, to a considerable extent, the practice of the Corporate tribunals. The long intervals which elapse between the times of sitting of the Civil Bill Court, the distance, in some cases, of the town in which that court is held, the power of attachment peculiar to the Corporate jurisdiction, and the course of trial by jury prevailing in the latter, appear in most cases to be the main causes why the local courts are still resorted to. They might, unquestionably, be made highly conducive to the cheap and convenient administration of justice, by the introduction of more simple forms of procedure and pleading, the attendance of a competent professional judge, the establishment of regular sittings at reasonable intervals, a reduction of the costs to a scale more suitable to the amount of the demands usually contested in them, and the substitution of an appeal under proper regulations, instead of allowing a defendant, by the present dilatory and expensive process of removal of causes by writs of *certiorari* or *habeas corpus*, capriciously to withdraw himself or the cause from the local jurisdiction; proceedings which seriously obstruct the administration of justice in the local courts, being too often resorted to for delay, or to harass a plaintiff, by removing a claim for a small amount to a remote and expensive tribunal, accumulating costs and deferring judgment.

Whether the official fees paid by the suitors should go directly to the judges or officers, or form a fund to provide for their payment by fixed salaries, we submit for Your Majesty's gracious consideration.

Attorneys.

The provision of the Stamp Acts, which requires a sum of £20 to be paid by an Attorney on admission to civil courts, has prevented many from becoming practitioners in the local courts, and has operated with the other causes we have noticed in diminishing the utility of these jurisdictions; the propriety of this provision seems the more questionable, as no such charge attaches on an attorney practising in any Civil Bill Court or Court of Quarter Sessions.

In several towns in which the Corporations are still upheld, the jurisdictions of the local courts have for many years been abandoned, as well from the causes to which we have alluded in the conduct of those courts, as from neglect of the Corporate authorities, or doubts of the legality of their proceedings. We have generally found the discontinuance of the local courts matter of complaint on the part of the inhabitants.

Courts of Conscience.

In some Corporations a summary jurisdiction for the recovery of small debts in the nature of a Court of Conscience is exercised: this appeared generally to be traceable to long usage or prescription. The Corporations in which such a jurisdiction has been recognised or established by Act of Parliament are those of

The county of the city of Dublin,
The county of the city of Cork,

The town of Kinsale,
The county of the town of Drogheda,
The city of Londonderry,
The county of the city of Waterford, and
The town of Wexford.

A similar jurisdiction is exercised in several other Corporate towns, but without legislative sanction or chartered authority.

In no case does the amount of the jurisdiction extend beyond 40*s*. (late Irish currency.)

The expeditious disposal of cases of small amount in these courts, when well administered, is useful to the poorer inhabitants; and although the practice heretofore has not been uniform, and is often objectionable, yet, looking to the establishment of Corporate authorities on principles which would give them the advantage of public control, much local benefit may be attained by the establishment of jurisdictions of this description, under proper regulations, in the larger cities and towns.

It deserves observation, that the usual, if not the only, mode of enforcing the decrees of these courts is by imprisonment, the consequence of which is, that very frequently persons of the poorest classes endure that punishment for long periods for non-payment of very trivial sums.

Judges of.

The Judge in these courts is commonly the mayor or other chief magistrate. In Dublin and Waterford, by special Acts of Parliament, the ex-mayor is the judge for the year succeeding his year of office. In Cork the aldermen of the wards, already noticed, are the presidents of the Court of Conscience. In no case do we find that the professional recorder is invested with this jurisdiction; yet we think it might, under such regulations as would insure the frequent attendance of that officer, most properly be transferred to him.

Dublin.

In Dublin we find the vicious practice of farming the office of judge of the Court of Conscience by the ex-lord mayor to some other alderman is not unfrequent; and to this practice we attribute much of the abuse which prevails in that court. Every case decided there may be reheard on certain terms; these rehearings are, in fact, fresh suits, in which the same process is gone through and the same fees paid as on the original hearing; and the defeated party may again harass his adversary by repeated proceedings of the same nature, to which the rules of the court do not seem to impose any limit, and which greatly enhance the profits of the judges and officers. The splitting of causes of action, to bring them within the jurisdiction, is not an uncommon abuse.

Petty Sessions.

The powers of adjudication in civil matters, exercised by magistrates at Petty Sessions, are at present limited to claims for wages, and the remuneration of servants and labourers, and the awarding compensation for trespasses on lands.

We have not found any desire expressed that their authority should be enlarged.

The local chartered courts, under better regulations as to time and expense, but preserving the trial by jury, appear to us more suited to the habits of the people, and more likely to insure a satisfactory administration of justice, without deviating from regular constitutional forms and principles.

Sheriffs.

In the Corporations of counties of cities and towns, (and in one case, that of Londonderry, for the county at large,) the Sheriffs appointed by the Municipal Corporations possess and exercise important functions in reference to the administration of justice, both criminal and civil.

We refer to the local Reports for the particulars of those functions, and the manner in which they are exercised. They are, generally speaking, those of the sheriffs of counties at large. The most considerable, in reference to the public, is the return of Jurors to assizes and quarter sessions. We have found the exercise of this power, especially in the return of grand jurors, by whom the public taxation of the county of the city or town is imposed, a subject of much jealousy and well-founded complaint against the Corporate authorities, as might be expected from the constitution of the Corporate bodies.

A large proportion, frequently the majority of the grand jurors, is empanelled from the members of the governing Corporate Bodies,—an arrangement which, as these bodies are at present constituted, practically vests and preserves in limited Corporate councils the extensive powers of local taxation given by law to the grand juries. The composition of the grand juries, which ought to be generally and impartially taken from the inhabitants at large, is thus directly and effectively that of the Corporations, and partakes of their defects and unpopularity. The Corporation and grand juries of Dublin afford striking instances of this connexion between the two bodies. In Waterford we find a singular arrangement made to guard against the practice by an agreement between the Corporation and the inhabitants that no more than a certain number of the common council should be on the grand jury.

The exercise of this branch of their functions by the Corporate sheriffs in the return of petty juries on occasions of interest to the Corporations, or affecting their influential members or supporters, obviously affords the means of giving an important advantage to parties in their interest, or professing the same local or general political views.

The Legislature has already interposed to prevent the abuse of these functions on such occasions, whether on civil or criminal trials, by the provisions of the statute 1 Geo. III. c. 17, as to issues concerning tolls, in which the Corporation may be interested, and the 6 Geo. IV. c. 61, enabling the courts to remove the trial of issues joined in Corporate cities or towns to an adjoining county.

The great importance of the duties intrusted to sheriffs, in relation to the administration of justice, and the extent of interests involved in their due exercise, especially in the metropolis, almost demonstrate that such corporate bodies as we have described, limited in numbers, sectarian, exclusive, and often intolerant in opinions, ought not to have the appointment of officers intrusted with these duties. Confidence and faith in the impartiality of the officers and ministers of the laws are necessary, as well to insure due respect for the tribunals by which they are administered, as to protect the laws themselves from suspicion and contempt. That such confidence is not generally placed in the conduct of Corporate sheriffs in Ireland, in reference to the selection of juries on political occasions, is matter of notoriety. Whether a better system may not be adopted by the removal of the prominent defects of the Corporate institutions, and placing this branch of the general administration of the law in hands more directly responsible for its faithful exercise, we humbly submit to Your Majesty's gracious consideration.

Admiralty Jurisdiction.

Some of the seaport cities and towns have been invested by charter with Admiralty Jurisdictions within certain limits.

We have not, in any of them, found the power so granted now exercised in the administration of justice on the subjects peculiar to such tribunals; the only use we observe professedly made of these grants, if in fact justly ascribed to them, being the execution, by officers called "Water Bailiffs," of the civil process of the local tribunal within the maritime limits of the admiralty jurisdictions.

Leet Juries.

We have alluded to the Corporate influence over the powers of taxation vested in the grand jurors returned by the Corporate officers: in some Corporate towns we have found that a more direct system of taxation by the Corporations, for municipal purposes, had been at one time established. It appears that in several Corporate towns, though not in any way alluded to or created by the charters, a body called a "Leet Jury" or "Grand Jury," originally, we conclude, selected from the general body of the freemen or commonalty, was annually summoned and sworn by the chief officer of the Corporation; that they appointed inferior municipal officers, (such as constables, scavengers, &c.,) and presented, to be applotted on the inhabitants of the borough, various sums, usually moderate in amount, for the payment of such officers, the cleansing and paving the streets, abatement of nuisances, and other such objects. The moderation of these applotments, and the useful purposes to which they were applied, combined with a popular selection of the jury, tended to prevent much scrutiny into the legality of the proceedings. Of late years the system has gradually declined; it existed in Ennis until 1827, and in Armagh to a more recent period; but it is not at present in actual operation in any Corporate town except Athy. In certain towns in which no Corporations at present exist, though formerly Corporate towns, leet juries assemble, as in Mallow, where they, till lately, exercised extensive powers, and in Dungarvan, where they regulate the port charges, and appoint an officer for their collection.

Gaols.

By the Gaol Act, 7 Geo. IV. c. 74, s. 96, the local prisons in Corporate towns were abolished, except where permitted to be continued by the Lord Lieutenant.

There are in consequence now few local jurisdictions retaining separate gaols. They are,

The county of the city of Dublin,
The county of the city of Cork,
The county of the city of Limerick,
The county of the city of Kilkenny,
The county of the town of Drogheda,
The county of the town of Galway,
The county of the city of Waterford,
The town of Kinsale, and
The town of Youghal.

The management and support of these gaols are in general similar to that adopted for those of counties at large, and do not call for further observation. It may, however, be doubted whether the principle of consolidation might not, with safety and economy, be extended to some of these establishments, so as to unite them with the gaols of the adjoining counties, and, by the saving of the separate body of officers, to effect a material reduction in the grand jury assessments of those small districts, which, in many cases, are considerably heavier in proportion on the rate-payers than in the adjacent counties.

In Dublin, besides the Four Courts Marshalsea, there are two distinct prisons for debtors; the Sheriffs' Prison, and the City Marshalsea. The officers of the Sheriffs' Prison are appointed by the sheriffs; those of the City Marshalsea by the common council. In both, the objectionable, and often oppressive practice exists of charging the unfortunate inmates for the rent of the apartments occupied by them. The prisoners in the Marshalsea are generally of the lower orders, confined under process of the Court of Conscience, and other local courts; and some of them are altogether dependent on casual charity for their support.

Markets.

The jurisdictions and powers of the Municipal Corporations in relation to the Public Markets in the respective Corporate districts are important. One of the most usual grants to the chief officers of the Corporation is that of the office of clerk of the market, and we have in many towns found that in right of that office a beneficial control is exercised by the Corporate officer over the markets within his district; and that when those duties remain unperformed, from the absence or neglect of the proper authorities, the consequent abuses which prevail, especially those practised by means of fraudulent weights and measures, are a subject of much complaint on the part of the inhabitants.

Weighmasters

A statute of the Irish Parliament, 4 Ann. c. 14, s. 3, enacted, that there should be appointed in every city, borough, or market town in the kingdom, by the chief magistrate of the same, except in places where the tolls and customs belong to any other person, and in such case by the person or persons to whom the tolls or customs belong, a Weighmaster in said city, borough, or market town, who should be sworn justly, truly, and indifferently, to weigh all goods, wares, and merchandize as shall be brought unto him, between buyer and seller; for the doing whereof he might take and receive for every draft weighing under a hundred weight a halfpenny, and for every draft weighing one hundred pounds and upwards one penny.

This has been followed by the 25 Geo. II. c. 15, which requires the chief magistrate in all market-towns to provide one or more just balances or iron beam, with scales, and a competent set of weights, made of iron, under £50 penalty, at every assizes. This statute provides the same scale of fees as in the former, and enacts that no more shall be paid, and that potatoes shall be sold by weight and not by measure, and shall be weighed, without fee or reward, at the beams and scales erected and kept pursuant to this Act.

We have generally found these statutes acted on by the appointment of weighmasters in the Corporate cities and towns, but in some the fees of the office are made part of the Corporate revenue, either by their being directly collected, as part of the tolls and customs, or by the office being demised to the weighmaster (sometimes for life) at a rent payable to the Corporation.

We apprehend that such arrangements are not within the policy of the Acts, and tend to remove or weaken the check which the control of the Corporate authorities ought to have over the conduct of the weighmaster.

A more serious violation of the provisions of these statutes we have found to prevail extensively in the exaction or extortion of sums exceeding the legal scale of fees prescribed by them; and it is remarkable that the express provisions of the statutes, directing the gratuitous weighing of potatoes, are very generally disregarded.

Similar powers, as to the appointment of weighmasters of butter, were given to the Corporate authorities by Acts of the Irish Parliament, the principal of which was the statute 10 Geo. I. c. 9. This statute was continued by subsequent enactments to the year 1812, when it was repealed, with many others on the same subject, by the statute of the 52 Geo. III. c. 134, under which (s. 2) the present authorities of the Corporations, in relation to this office, are derived. The provision is similar in terms to that of the repealed laws, providing, that in the city of Dublin, and in every city and town Corporate in Ireland (except the city of Cork), the chief magistrate and aldermen, or chief magistrate and burgesses, where there were no aldermen, under the seals of their respective Corporations, and in other places the justices of the peace at quarter sessions, should, before the 1st March 1813, where there should not be a public weighmaster appointed under any former Act or Acts, or where any vacancy should happen before that day, nominate and appoint some one or more discreet and skilful person or persons to be a public weighmaster or joint weighmasters, and taster or tasters of butter, in and for such respective city, town Corporate, place of export, or market-town; and in case of such nomination not being made before the above day, that the nomination and appointment should be vested in the Lord Lieutenant, or other Chief Governor or Governors, and the Privy Council of Ireland for the time being.

This statute provides various regulations for the duties and conduct of the weighmasters, and powers of removing them for misbehaviour, to which we deem it unnecessary here more particularly to allude, but does not make any express provision for the power of appointing successors to those nominated to the office under its authority.

A return was made in the year 1829, pursuant to an order of the House of Commons, and was ordered by that House to be printed on the 16th of March in that year, of the names of the several officers employed under the Butter Acts of Ireland; stating by whom, and when appointed; whether they executed their duties in their own person, or by deputy; and giving an account of the fees received by each officer during each of the last seven years, and the appropriation of said fees during the like period.

We beg to refer to that return, and to our separate Reports, for a view of the proceedings of the Municipal Corporations in reference to this office, the emoluments of which have been in some places materially diminished by the operation of the 10 Geo. IV. c. 41, which relieved the dealers in the article from the necessity of having it weighed, &c., before sale or export. Provision is made by this latter statute for compensation to the officers who may in consequence sustain a diminution of fees, and the annual amount of such compensation must be laid before Parliament.

Marshal of Dublin. His Jurisdiction as to Pawnbrokers.

In Dublin we find a Corporate officer intrusted with functions extending over the entire of Ireland. Under the provision of the statutes respecting the trade of Pawnbrokers in this country, 26 Geo. III. c. 43, (Ir.) the Marshal of the city of Dublin (an officer whose ordinary duties, in that and other Corporations, are to execute the process of the local court) is appointed register of pawnbrokers' licences in Ireland. All pawnbrokers throughout the country are required, under a penalty, to send to this officer monthly returns, upon oath, of the sums lent by them, on each of which he is entitled to a fee of 1*s*. These returns he is required to lay before either House of Parliament the first week in each session. It has appeared in evidence before the Commissioners that the marshals of Dublin have been in the habit of acting on arrangements with the country pawnbrokers not to ask for any returns, upon getting an annual payment of £1 from each.

Sixth Head: Nature and Management of Income, &c.

VI. The Nature and Management of their Income, Revenues, and Funds, whether charitable or otherwise.

Nature of Income.

The Income, Revenues, and Funds of the Municipal Corporations in Ireland, as at present enjoyed, are, in some, derived from landed estates; in some, from tolls and customs; and in a few, from both. The present incomes of very many are inconsiderable in value, and insufficient for the due remuneration of the Corporate officers, while the revenues of others are of large annual amount.

Grants of Property.

We have not always succeeded in tracing the original Grant or Title of those Properties, which generally appear to have been enjoyed from very remote periods.

The ancient charters contain, in some instances, grants of the Corporate district, or of apparently extensive portions of it, which it is now difficult, often impossible, to define.

We have noticed those grants, where they occur, in the separate Reports, with the particulars of such others as we have been able to discover.

Loss of.

We think it is apparent from the grants, and the other evidences we have found of their ancient possessions, as compared with the present extent of the estates of several of these bodies, that large portions of landed property, formerly given to them, have long since passed into other hands; but we rarely have succeeded in tracing satisfactorily the precise property, or the mode or time in which its alienation has taken place.

The existing state of the books and records of the Corporations, their imperfect condition or total Loss, the suppression of them, and withholding of information in some instances, tend to involve these matters in considerable obscurity. The periods to which reference became necessary often precluded the possibility of deriving aid from living testimony.

Management of.

The Management of the Corporate estates, as developed in the transactions of more recent periods, displays in many instances a marked disregard of the public interests on the part of the bodies under whose control they have fallen, and affords evidence from which the character of the earlier appropriations may be inferred.

Grants and Leases to Members, &c.

The members of the common councils, or governing bodies, frequently appear in the rentals of Corporate property as the favoured grantees or the lessees of long and valuable Leases, amounting in many instances to perpetuities, at inadequate rents, which appear to have been made without survey or advertisement, the same parties being thus, substantially, the lessor and lessee, and exercising without scruple, or regard to public duty or trust, in their own favour, a complete dominion over the estates of the community.

In other cases the influential station of the patron has been used to secure the appropriation, *to his own use*, of the Corporate property.

Amongst the most flagrant, as well as recent, are the cases of Cashel and Naas, the peculiar and extraordinary circumstances attending which are detailed in the Reports on those Corporations, and demand grave consideration.

Other Corporations present similar, though not so very remarkable or recent examples of violation of the public duties of the governing bodies, and demonstrate the ill effects of that misapprehension of the character, or perversion of the principles of municipal constitution, which has enabled such bodies to abuse and misapply the extensive powers and properties intrusted to their administration.

Secrecy.

The management of the Corporate revenues is, almost everywhere, in the hands of the governing bodies; and except in a few Corporations, where, by the constitution, the courts or assemblies of the freemen are to be consulted for the approval of Corporate acts, the management and disposition are altogether secret.

By this Secrecy of the proceedings it becomes difficult to correct error: misconduct, if committed, is secured from detection; suspicion is excited as to the motives and proceedings of the members, and the wholesome check of public opinion, and protection of public vigilance, over the disposition of the Corporate funds, are lost.

Debts.

In some boroughs all Corporate property has disappeared, and there are no funds applicable to the maintenance of the magistracy or police of the town. In some places, as Dublin, Londonderry, and Waterford, very considerable Debts have been incurred, and are charges upon the Corporate property.

Accounts.

In some cases, the officers intrusted with the receipt and disbursement of the funds appear to continue for years without accounting for them; in some, private and public Accounts are intermixed. In Dublin, an annual publication of the income and expenditure of the Corporation is made for distribution among the members of the common council, and the mode in which the accounts of that body are kept is, in many respects, creditable to the officers concerned; but, even in Dublin, this publication is not intended for the public at large, or the freemen, and is limited to the Corporate property; and neither the Corporation nor the inhabitants have any mode of examining, inspecting, audit, or check over the accounts of the many boards which administer the taxes levied for police; wide streets; paving and lighting, (the latter tax of itself amounting to £34,000 per annum;) the grand jury assessments, &c.

There seems to us to be no just or reasonable objection to full publicity of, and readiness of access to, all accounts, of income and disbursement, of municipal funds, for all persons concerned in their due application.

Expenditure.

The payment of the Municipal officers forms the chief head of Expenditure in the greater number of the Corporations possessed of property.

In some, a portion of the revenues is also directed to other purposes of local utility; but the funds applicable to such purposes are generally very inadequate, compared with what would have been at the disposal of the municipal body under more correct management of the estates. The Corporate accounts present frequent entries of improvident disbursements to individuals, and for purposes inconsistent with a due application of the revenues to the public uses of the community, which will be found noticed in the local Reports.

Difficulties of Legal Inquiry into.

The existing state of the law precludes (save at the hazard of enormous expense) the institution of a Judicial Inquiry into the propriety of such expenditure, and the right of the governing body to dispose of the Corporate property at pleasure, for their individual and private benefit.

The Corporations insist that they are entitled to the estates *in absolute dominion*, to dispose of at their will and pleasure, and *not upon any trust whatever*.

Limerick Act. Summary Powers given by, and by 53 Geo. III. c. 101.

In the case of one Corporation, that of Limerick, the local Act for its regulation we have already alluded to, 4 Geo. IV. c. 126. s. 25, provides a cheap and Summary Power of interference, by petition to the Court of Chancery or Exchequer, in cases requiring the direction or order of a court of equity for the administration of the Corporate revenues; but, save in cases of charities, for which a similar mode of intervention is given by the 53 Geo. III. c. 101, there is not any such provision applicable to the management of the general revenues of Municipal Corporations. The extension of the powers of this wholesome statute to all cases within the mischief, with such provisions as would prevent members of the Corporate bodies, found guilty of abusing the trusts confided to them, from being reimbursed their costs from the Corporate funds, would tend to prevent future misapplication and abuse, and facilitate correction and amendment.

Corporate Income not Charitable in its nature.

We have not found sufficient evidence to enable us to say that the Income and Funds of the Municipal Corporations are, generally, in their nature Charitable, or that by the original title they were, at least directly, clothed with uses which could properly be so described as to bring them within the provisions of the 53 Geo. III., c. 101.

The properties of the Corporations of Limerick and Galway have, however, been established to be properly applicable to public uses in their nature charitable; the former, by the Act of Parliament already alluded to for the regulation of that body; and the latter, by the decision of the Court of Chancery in Ireland, founded on the express language of the charters to that town.

This distribution of the revenues was, in both, long denied and resisted by the governing bodies.

We submit to Your Majesty's gracious consideration the propriety of giving such relief, in respect to Corporations generally, by removing all doubt upon this subject by legislative provision, and restoring those funds to their proper trusts and purposes.

Schools and Charitable Funds.

Portions of the Corporate revenues are, in some Corporations, devoted to the

support of Schools and Charitable Foundations; and, in a few instances, funds have been vested in the Corporate Body by benevolent individuals for charitable purposes. The nature and particulars of such funds, and their distribution, are stated in the local Reports.

Belfast.

An important modern instance of the abuse of such trusts, which we deem it necessary more especially to allude to, is in the case of Belfast, in part investigated before the Committee of the House of Commons on Municipal Corporations in 1833. It appears that several benevolent individuals had, from time to time, intrusted to the sovereign and free burgesses of that borough sums of money, which formed, by accumulation, a considerable fund, to be applied to charitable purposes in the district. This property was, for many years, carefully managed and secured, and the income faithfully disbursed. But, for the last thirty years, the trusts have been wholly neglected; the charitable funds, which were outstanding on securities, were called in, and came to the hands of individual members of the Corporation, who appropriated them to their own use; and it depends upon the result of a suit pending in the Court of Chancery in Ireland whether any part of these funds can be recovered.

We have also noticed, in the local Reports, the charitable institutions and public boards of which any of the Corporate officers are *ex officio* governors or trustees. In this latter class of cases we have rarely found that such officers of the Municipal Corporation took a usefully active part in the management of these institutions, or that they were fit depositaries of such trusts. The Blue Coat Hospital in Dublin, as described in the local Report of that city, may be referred to as an example of the inefficiency of such managers of establishments of that nature.

Ecclesiastical Patronage.

A few Municipal Corporations possess Ecclesiastical Patronage, the exercise of which is, by the 10 Geo. IV. c. 7, s. 15, expressly limited to the Protestant members.

Seventh Head: Tolls and Customs.

VII. The Tolls and Customs within their receipt or under their management.

Claim to.

The tolls and customs within the receipt of the Municipal Corporations, and under their management, form, in some, a very important branch of the Corporate revenue, and, in several, are the only funds at their disposal. They may be divided into two classes: tolls claimed originally as toll thorough, in consideration of services performed by the Corporate bodies, in the repair and preservation of the streets, bridges, and walls of the Corporate towns; and tolls deriving their origin from grants of fairs and markets.

Toll Thorough. Murage Grants.

The ancient public records show numerous grants of liberty to the Corporate towns to take certain tolls for limited periods, towards the building and repairs of the town walls. All the Municipal Corporations, which claim tolls of this nature, appear to have at various times obtained such temporary grants; and to a few, grants of such tolls were made in perpetuity, as in Galway, where very considerable tolls are collected under such title. They are, however, generally in practice, though we apprehend untruly, claimed as belonging by prescription to the Corporate bodies.

Considerations of.

The Considerations for which they were given have been almost everywhere neglected, some long unperformed, some imperfectly attended to; the ancient walls and fortifications are generally razed or fallen to decay. The occasional repairs of portions of the public streets, and, in some, of one or more bridges, are the only services of this character now performed by any of the Municipal Corporations; and in the great majority a large share of the expense of such works is defrayed by grand jury presentments on the county at large, or on the Corporate district, if a county of itself.

Statute 25 Hen. VI. c. 3.

The language of the ancient grants generally limited the tolls granted to charges on goods coming to the Corporate towns to be sold; and, by an Act of the Irish Parliament, the 25 Hen. VI. c. 3, reciting, "That many people took and levied customs of merchants passing and going with their merchandize through the King's highways, against right and reason," it was enacted, "that no man should be so hardy

thenceforward to take or levy, or cause to be taken or levied, any such custom of merchants, or of other people in the King's highway or elsewhere, but within cities, boroughs, or other merchant towns where the said merchandize be bought or sold, or brought to be sold there, as they have power and sufficient authority to take and levy such customs." This Act was repealed by the 6 Geo. IV. c. 105, among the Acts relating to the customs; but the exaction of toll thorough is still restrained by the provision of another Irish statute, the 4 Anne, c. 8, which, after reciting that the exacting and receiving toll for any sort of goods or cattle, either driven or carried through any city, Corporate or market town, or other place within the realm where such city, Corporate or market town, at their own costs and charges, do not keep up and repair some public bridge or bridges, over which such goods or cattle shall be driven, or carried, is greatly prejudicial to the subjects of this realm, and a discouragement to trade in general, enacts, "That from the 26th day of June 1705, no toll shall be demanded or received by any Corporation, or other person or persons, for any cattle, goods, or merchandize whatsoever, that shall be drove or carried into or through any city, borough, market town, or other place, where the same shall not be sold, consumed, or slaughtered;" but it provides by sec. 2, that "where any person or persons, or bodies politic, theretofore lawfully could demand or take any toll for any cattle or other goods, driven or carried over any bridge or bridges, for or in respect of such person or persons, or body politic, being obliged at his or their own costs and charges, and not at the costs and charges of any county, county of a city, or county of a town, to keep such bridge or bridges in repair, that in such cases such person or persons, or body politic, may receive and take such reasonable toll for such cattle or goods driven or carried over such bridges as he or they might have before done by law."

4 Anne, c. 8.

The claim to toll thorough is therefore by this statute restrained, as to cattle or goods not sold, consumed, or slaughtered in the city or borough, to such toll as could before the passing of the Act be lawfully demanded for cattle or other goods driven or carried over any bridge repaired by the party who claims such toll; and as to cattle or goods sold, consumed, or slaughtered in the city or borough, it is subject to the general rules of law applicable to such toll, which require that the consideration for its payment should be performed in respect of the place for passing over which it is demanded. Yet, notwithstanding these Acts, until of very late years, toll thorough was very generally demanded, and became the subject of violent contest and angry litigation.

Claim to Toll Traverse in Cork and Limerick.

The difficulty of supporting their claims to toll, as toll thorough, has led to a recent assertion, by the Corporations of Cork and Limerick, of a right to the customs claimed by them as Toll Traverse, on the ground that the property in the soil or place where they demanded toll was originally theirs, and that, in dedicating it to the public as a highway, they reserved the right to toll for passing over it. These Corporations succeeded in establishing this title, and retain the enjoyment of the tolls so claimed; but, as we apprehend, subject to the general provisions of the statute of Queen Anne above stated. Most other Corporate bodies, among which is that of Dublin, have yielded to the general resistance recently made to such claims, and entirely abandoned the collection of the tolls formerly enjoyed by them or their officers, and taken at the entrances to the towns.

Fair and Market Tolls.

The Fair and Market Tolls levied by the Corporate authorities are derived under grants which rarely define specifically the charges to be made. They are consequently limited only by the general principles which would control even the express provisions of the charters, and must be reasonable in amount.

Schedules.

The separate Reports contain Schedules and other particulars of the tolls and customs claimed by the Municipal Corporations, from which it is apparent how frequently in practice the legal principles, or the provisions of the enactments to which we have adverted, have been overlooked. Tolls, excessive, and unreasonable in amount, were frequently exacted. In the schedules we often find charges on the petty articles of traffic of the poorest classes, and of which the tolls demanded form a serious portion of the intrinsic value, and few of the Corporations can refer the legal origin of their title to tolls to a period which would sanction, by prescriptive usage, the charges made on many of the items

comprised in the schedules. The mode of collection, too, has been such as, combined with the doubts of the strict legality of the demand, to provoke a violent course of resistance. They have been often unjustly and illegally claimed and enforced; often resisted and encountered by violence and tumult. The law has been transgressed on both sides; on the one, by the illegal assertion of right; on the other, by illegal resistance to wrong; a state of things unhappily not infrequent in Ireland.

Objections to this Source of Income.

To the Corporate Bodies this source of income is uncertain in amount, and, especially in the smaller towns, expensive and wasteful in the collection. To the public at large it is obnoxious and unpopular, as well from the nature of the impost, and the mode in which its payment is enforced, as from the exclusive character of the body in whose name it is demanded, and the purposes to which it is applied, which rarely include any beneficial expenditure for the accommodation of those whose property and industry contribute to the tax. This unpopularity extends of course to those who are the immediate agents in the collection, and to the municipal authorities. The character of the local Corporate courts and magistracy is prejudiced by their being resorted to as tribunals to enforce such demands, in which to some extent, however trifling, they appear to have an interest. The attempted or suspected evasions of those returning from the fairs and markets are often encountered by the inferior agents in the collection by the enforced administration of an oath that the cattle brought back have not been sold,—a practice which, in itself illegal, leads, as might be expected on such occasions, to disgraceful scenes of turbulence and riot.

These remarks apply, in many points, as well to the tolls and customs within the receipt and management of Corporations, as those claimed by private individuals in the Corporate towns, which we have found, when collected, not less obnoxious than those levied by the Corporations.

The collection of tolls and customs in Ireland has been frequently the subject of complaint and investigation in the Irish and Imperial Parliaments, but still remains without adequate redress. The terms of Your Majesty's Commission limited our inquiries to those claimed by the Municipal Corporations; but we cannot conclude our remarks on this branch of the inquiry without observing on the necessity that appears to exist, as far as our observation extended, of a thorough revision by legislative authority of the entire system.

Eighth Head: Local Jurisdictions.

VIII. The several Local Jurisdictions existing within the Limits of the Corporate Towns.

Manor Courts.

The only local jurisdictions, except those already noticed, which we have found existing within the limits of Corporate towns, are Courts held before Seneschals appointed by the Lords of Manors. These jurisdictions most commonly derive their origin from the patents of the respective manors or reputed manors. They are very numerous in Ireland, and are exercised within the limits of several Corporate towns. They sometimes possess powers of adjudication to an unlimited amount, and generally over extensive rural districts. The usual pecuniary limit of the jurisdictions is £10; in several, it extends to £200. The procedings in these courts are conducted partly according to the ancient forms of the common law, as in the borough courts, and partly by civil bill, under the regulations of the statute 25 Geo. III. c. 44, (which gives an appeal from the decrees in such cases to the county assizes,) and other later Acts passed for the regulation of these courts.

The general course pursued in the administration of justice in these tribunals is subject to serious observation and animadversion. The appointment of the judge being vested in the casual and irresponsible proprietors of the manors, or their agents, they sometimes confide, to persons very imperfectly qualified and educated for such situations, the duty of presiding in the manorial court. The seneschals are not unfrequently persons little entitled to respect from their station or professional knowledge; and the courts are often held at inns and public houses, without regard to regularity or decorum, and with little observance of legal principle. Very general dissatisfaction and want of confidence prevail on the subject of these jurisdictions; and they are seldom resorted to where the Civil Bill Court of the assistant barrister can be applied to without great inconvenience

as to time or distance. An improved constitution of the borough courts would probably, in most cases, tend to supersede the exercise of the manorial jurisdictions within the Corporate limits, and put an end to their continuance in such districts.

Police, &c.

We have detailed, in the separate Reports, the state of the Police, and other municipal regulations in the Corporate towns, showing where, and to what extent, they are connected with or enforced by the Corporate authorities, and where administered under separate jurisdictions.

In general the police, when it exists at all under or in connexion with Corporate authority, is very imperfect, and inadequate to the purposes for which it is required; and improved provisions, either of legislative enactment, or municipal bye-laws, or both, are required upon this subject. In the city of Dublin itself there is great room for improvement in this respect. The police force, it is complained, is too small for the duty, and consequently not as efficient as it might and ought to be. The want of an effective magistracy and of sufficient inferior officers, and the irregularity of boundaries of local jurisdictions, present obstacles and impediments in this respect, throughout the several districts, deserving of serious consideration.

Watching, Lighting, &c.

In most places the duties of police are performed by the constabulary force of the county in which the Corporate town is situated. The Watching, Lighting, Paving, Cleansing, and Improving of the town, and the supplying it with Water, when attended to, are frequently under the care of local commissioners under special Acts of Parliament, or in some instances under the very beneficial provisions of the general Act for such purposes, 9 Geo. IV. c. 82.

Harbour.

In seaport towns the preservation and improvement of the Harbour are also usually vested by local Acts of Parliament in a separate body of incorporated commissioners, while the general care and advancement of the commercial interests of the community are in many cities and towns under the direction of voluntary associations, or chambers of commerce. Thus the duties and functions which, under a well-arranged local constitution, would naturally devolve on, and of right belong to, and probably be best attended by a well-constituted Municipal Corporation, are distributed among a number of distinct institutions, with separate and expensive establishments and officers.

The separate Reports contain such particulars as to the limits, extent, population, and trade of each Corporate district, as may serve to show its relative importance, and the nature and amount of the interests, the care of which would be intrusted to its local government.

Conclusion.

In these Reports, and the remarks we have thus made on the matters pointed out by Your Majesty's Commission, we have abstained from any reference to the political views with which many of the Municipal Corporations may have been created, and the constitutions of all modified or controlled by the general enactments of the Legislature. Whether those views or alterations were consistent with sound and judicious policy, or were justified by events; whether the institutions and modifications, created at particular periods, and for particular purposes, answered the expectations of those by whom they were established, in reference to the general policy of the state, we have not deemed it within our province to inquire. We have considered these bodies in the direct and immediate relation which they bear to the respective communities to which they are either actually or nominally attached, and as the instruments of local advantage, or the contrary, to the inhabitants of the Corporate district.

In this view, and with this object, we have, in these Reports, humbly endeavoured to point out wherein, either in principle or practice, their constitution or proceedings appear to us defective, and where those defects result from the original frame of the Corporate society, or have been produced by unauthorized deviation from, or violation of, its arrangements. The operation of those defects extends beyond what may be deemed mere Corporate limits. The Corporations have long become unpopular, and objects of suspicion. As at present constituted they are, in many instances, of no service to the community; in others, injurious; in all, insufficient and inadequate to the proper purposes and ends of such institutions. The public distrust in them attaches on their officers and nominees; and the result is a failure of that respect for, and confidence in, the ministers of justice and police, which ought to subsist in well-regulated communities, which, where they do exist, conduce so much to the peace and good order of society, and

without which the authority of the law may be dreaded, but cannot be respected or effective.

We have not thought ourselves authorized to recommend specific measures of improvement in our Reports—save so far as the notice of, and necessary observations upon, the defect, and cause of evil, tend to suggest the remedy. But we feel it to be our duty humbly to represent to Your Majesty, that the early and effectual correction of the existing evils, and the prevention of future mischief, are anxiously desired, and essentially requisite; and that these benefits can be attained, only, by means of a general and complete Reform of the constitutions of the Municipal Corporations in Ireland.

We humbly submit this Report to Your Majesty's Royal Consideration.

LOUIS PERRIN. (*L. S.*)

JAMES MOODY. (*L. S.*)

WILLIAM HANNAH. (*L. S.*)

MAURICE KING. (*L. S.*)

WILLIAM E. HUDSON. (*L. S.*)

ACHESON LYLE. (*L. S.*)

MAZIERE BRADY. (*L. S.*)

JOHN R. CORBALLIS. (*L. S.*)

PHILIP FOGARTY. (*L. S.*)

DAVID R. PIGOT. (*L. S.*)

HENRY BALDWIN, and (*L. S.*)

MATTHEW R. SAUSSE. (*L. S.*)

47

APPENDIX.

THE SOUTHERN CIRCUIT.

COUNTIES.

CORK.	LIMERICK.
CORK, (City).	WATERFORD.

TOWNS.

1.	Baltimore	County of Cork.
2.	Bandonbridge	Ditto.
3.	Castle Martyr	Ditto.
4.	Charleville	Ditto.
5.	Cloughnakilty	Ditto.
6.	Cork	County of the City of.
7.	Doneraile	County of Cork.
8.	Dungarvan	County of Waterford.
9.	Kilmallock	County of Limerick.
10.	Kinsale	County of Cork.
11.	Lismore	County of Waterford.
12.	Mallow	County of Cork.
13.	Middleton	Ditto.
14.	Rathcormac	Ditto.
15.	Tallagh	County of Waterford.
16.	Youghal	County of Cork.

Commissioners.

ACHESON LYLE, Esq. | PHILIP FOGARTY, Esq.

THE MIDLAND CIRCUIT.

COUNTIES.

CARLOW.	QUEEN'S.
DUBLIN.	ROSCOMMON.
KILDARE.	WESTMEATH.
KING'S.	WICKLOW.
MEATH.	

TOWNS.

1.	Athboy	County of Meath.
2.	Athlone	Counties of Westmeath and Roscommon.
3.	Athy	County of Kildare.
4.	Ballinakill	Queen's County.
5.	Baltinglass	County of Wicklow.
6.	Banagher	King's County.
7.	Blessington	County of Wicklow.
8.	Carlow	County of Carlow.
9.	Duleek	County of Meath.
10.	Fore	County of Westmeath.
11.	Harristown	County of Kildare.
12.	Kells	County of Meath.
13.	Kilbeggan	County of Westmeath.
14.	Kildare	County of Kildare.
15.	Maryborough	Queen's County.
16.	Naas	County of Kildare.
17.	Navan	County of Meath.
18.	Newcastle	County of Dublin.
19.	Old Leighlin	County of Carlow.
20.	Philipstown	King's County.
21.	Portarlington	Queen's and King's County.
22.	Ratoath	County of Meath.
23.	Swords	County of Dublin.
24.	Trim	County of Meath.

Commissioners.

JOHN COLHOUN, Esq. | HENRY BALDWIN, Esq.

THE WESTERN CIRCUIT.

COUNTIES.

CLARE.	LIMERICK CITY.
GALWAY.	LONGFORD.
GALWAY TOWN.	MAYO.
KERRY.	ROSCOMMON.
LIMERICK.	

TOWNS.

1. ARDFERT	County of Kerry.
2. ASKEATON	County of Limerick.
3. ATHENRY	County of Galway.
4. CASTLEBAR	County of Mayo.
5. DINGLE	County of Kerry.
6. ENNIS	County of Clare.
7. GALWAY	County of the Town of Galway.
8. LANESBOROUGH	County of Longford.
9. LIMERICK	County of the City of Limerick.
10. ROSCOMMON	County of Roscommon.
11. TRALEE	County of Kerry.
12. TUAM	County of Galway.
13. TULSKE	County of Roscommon.

COMMISSIONERS.

MAZIERE BRADY, Esq. | JOHN RICHARD CORBALLIS, Esq.

THE SOUTH-EASTERN CIRCUIT.

COUNTIES.

KILKENNY.	WATERFORD (City).
KILKENNY (City).	WEXFORD.
TIPPERARY.	WICKLOW.
WATERFORD.	

TOWNS.

1. BANNOW	County of Wexford.
2. CALLAN	County of Kilkenny.
3. CARIESFORT	County of Wicklow.
4. CASHEL	County of Tipperary.
5. CLONMEL	Counties of Tipperary and Waterford.
6. CLONMINES	County of Wexford.
7. ENNISCORTHY	County of Wexford.
8. FEATHARD	County of Tipperary.
9. FEATHARD	County of Wexford.
10. GOREY, OR NEWBOROUGH	County of Wexford.
11. GOWRAN	County of Kilkenny.
12. INISTIOGUE	County of Kilkenny.
13. IRISHTOWN	County of the City of Kilkenny.
14. KILKENNY	County of the City of.
15. KNOCKTOPHER	County of Kilkenny.
16. NEW ROSS	County of Wexford.
17. TAGHMON	County of Wexford.
18. THOMASTOWN	County of Kilkenny.
19. WATERFORD	County of the City of.
20. WEXFORD	County of Wexford.
21. WICKLOW	County of Wicklow.

COMMISSIONERS.

WILLIAM HANNAH, Esq. | MAURICE KING, Esq.

THE NORTH-EASTERN CIRCUIT.

COUNTIES.

ANTRIM.	DROGHEDA (of the Town of.)
ARMAGH.	LOUTH.
CARRICKFERGUS (of the Town of.)	MONAGHAN.
DOWN.	TYRONE.

TOWNS.

1. ANTRIM	County of Antrim.
2. ARDEE	County of Louth.
3. ARMAGH	County of Armagh.
4. BANGOR	County of Down.
5. BELFAST	County of Antrim.
6. CARLINGFORD	County of Louth.
7. CARRICKFERGUS	County of the Town of.
8. CHARLEMONT	County of Armagh.
9. DOWNPATRICK	County of Down.
10. DROGHEDA	County of the Town of.
11. DUNDALK	County of Louth.
12. DUNGANNON	County of Tyrone.
13. DUNLEER	County of Louth.
14. HILLSBOROUGH	County of Down.
15. KILLILEAGH	County of Down.
16. LISBURNE	County of Antrim.
17. MONAGHAN	County of Monaghan.
18. NEWTOWN ARDES	County of Down.
19. NEWRY	County of Down.
20. RANDALSTOWN	County of Antrim.

COMMISSIONERS.

WILLIAM ELLIOT HUDSON, Esq. | MATTHEW RICHARD SAUSSE, Esq.

THE NORTH-WESTERN CIRCUIT.

COUNTIES.

CAVAN.	LONGFORD.
DONEGALL.	ROSCOMMON.
FERMANAGH.	SLIGO.
LEITRIM.	TYRONE.
LONDONDERRY.	WESTMEATH.

TOWNS.

1. AGHER	County of Tyrone.
2. BELTURBET	County of Cavan.
3. CAVAN	County of Cavan.
4. CLOGHER	County of Tyrone.
5. LIMAVADDY	County and City of Londonderry.

COMMISSIONERS.

JAMES MOODY, Esq. | MATTHEW RICHARD SAUSSE, Esq.

6. BALLYSHANNON	County of Donegal.
7. BOYLE	County of Roscommon.
8. CARRICK-ON-SHANNON	County of Leitrim.
9. COLERAINE	County and City of Londonderry.
10. DONEGAL	County of Donegal.
11. ENNISKILLEN	County of Fermanagh.
12. GRANARD	County of Longford.
13. JAMESTOWN	County of Leitrim.
14. LIFFORD	County of Donegal.
15. LONDONDERRY	County and City of Londonderry.
16. LONGFORD	County of Longford.
17. MULLINGAR	County of Westmeath.
18. SLIGO	County of Sligo.
19. STRABANE	County and City of Londonderry.
20. ST. JOHNSTOWN	County of Donegal.
21. ST. JOHNSTOWN	County of Longford.

COMMISSIONERS.

JAMES MOODY, Esq. | DAVID R. PIGOT, Esq.

I.

SOUTHERN CIRCUIT.

Page.	NAME of PLACE.	COUNTY.	Governing Charter, Date of.	POPULATION, 1831. City or Borough.	POPULATION, 1831. Town, including Suburbs.	Number of Corporators, including Burgesses & Freemen, 1833. N.B.—If the Chartered Number is definite, put the letter D. after the number stated; if indefinite, the letter I. Def.	Indef.	Total.	TITLE and NUMBER of GOVERNING BODY. TITLE.	No.	MAYOR, By whom chosen, and from whom. N.B.—If not annually chosen, state the period of service.	ALDERMEN, (or Second Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of service.	No.	COMMON COUNCILMEN, (or Third Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of service.	No.	FREEL how acq
7	BANDON BRIDGE.	Cork .	13th March, 11 Jac. I.	. .	9,917	13	204	217	the provost and free burgesses.	13	provost, by the provost and free burgesses, from the free burgesses.	free burgesses, by the provost and free burgesses, from the common councilmen.	12	by the provost, free burgesses, and freemen, from the freemen.	12	by birth, l tion of th men, and gift of th vost.
11	CASTLEMARTYR.	Cork .	28th July, 26 Car. II.	. .	830	15	0	15	the portreeve, bailiffs, and burgesses.	15	the portreeve, by the bailiffs and burgesses, from the burgesses.	bailiffs, by the burgesses, without limit as to from whom, though the charter directs from the burgesses.	2	burgesses, as the bailiffs, but by charter should be from freemen.	12	none .
15	CHARLEVILLE.	Cork .	29th May, 23 Car. II.	. .	4,766	15	1	16	[illegible]gn, bailiffs, and burgesses	15	the sovereign, by the sovereign, bailiffs, and burgesses, from the burgesses.	bailiffs, by the sovereign, bailiffs, and burgesses, from the burgesses.	2	burgesses, by the sovereign, bailiffs, and burgesses, without qualification.	12	none .
19	CLOUGHNAKILTY.	Cork .	5th May, 11 Jac. I.	. .	3,807	18	0	18	sovereign and free burgesses.	18	the sovereign, nominated by the patron of the borough from three persons selected by the sovereign and free burgesses, from the free burgesses.	free burgesses, by the sovereign and free burgesses, without qualification.	17	no third body.	..	none .
25	CORK . . .	Cork (City.)	6 Jas. I. 7 Car. I.	100,716	82,000	0	2,665	2,665	common council consisting of the mayor, 2 sheriffs, recorder, and aldermen, not exceeding in all 24; if they do not make 24, burgesses elected to complete 24.	24	mayor, by the freemen, from five of the burgesses taken by lot out of the entire number; sheriffs, by the freemen, from four freemen nominated by mayor, mayor elect, recorder, and common speaker.	aldermen, being all who have served the office of mayor.	indef.	burgesses, being all who have served the office of sheriff; so many of them as, with the aldermen, make up 24, and are elected by the freemen to the office, are common councilmen.	indef.	by birth, tude, and nation council, firmed freemen.
67	KILMALLOCK	Limerick	10th Jan. 27 Eliz.	. .	1,213	0	16	16	sovereign and council.	13	sovereign, by and from the burgesses.	common councilmen annually nominated by the sovereign, from the burgesses.	12	none	..	by grace sovereig burgesse
73	KINSALE .	Cork .	7th Jan. 7 Edw. III. 10th May, 31 Eliz.	13,997	8,126	0	63	63	council, consisting of sovereign, burgesses, and common speaker.	31	sovereign, by the sovereign, burgesses, and freemen, from the burgesses.	burgesses, by the council, from the freemen.	29	common speaker, elected annually by the sovereign, burgesses, and freemen, from the freemen.	1	by grace council.
93	MIDDLETON	Cork .	2nd Jan. 22 Car. II.	. .	2,034	15	0	15	the sovereign, bailiffs, and burgesses.	15	sovereign, by the sovereign, bailiffs, and burgesses, from the burgesses.	the bailiffs, by the sovereign, bailiffs, and burgesses, from the burgesses.	2	the burgesses, by the sovereign, bailiffs, and burgesses.	12	none .
103	YOUGHAL .	Cork .	22nd Dec. 7 Jac. I.	11,327	9,608	0	221	221	council, consists of the mayor, two bailiffs, aldermen, and burgesses.	23	mayor, by the freemen at large, from the burgesses, and bailiffs, in like manner.	aldermen, being such burgesses as have served the office of mayor.	indef.	the burgesses, being such freemen as have served the office of bailiff.	indef.	by electio corporat large.

ern Circuit.

RECORDER. By whom appointed, and Qualification. *N.B.*—If required to be learned in the law, state whether a Barrister.	TOWN CLERK. By whom elected, and Qualification.	CRIMINAL JURISDICTION. Over what Offences, and whether or not exclusive.	CORPORATORS who are Borough Magistrates.	CORPORATORS who are *ex officio* County Magistrates.	Nature and Limit of Jurisdiction of COURT OF RECORD. *N.B.*—State whether or not disused.	GAOL, State of.	AVERAGE REVENUE.	AVERAGE EXPENDITURE, exclusive of Payments in Reduction of Debt.	DEBT.	Whether any Accounts, and how kept.	REMARKS.
none	elected by the provost and free burgesses; no qualification.	none save that of justice of the the peace; not exclusive.	the provost.	the provost is always named in commissions of the peace for county of Cork.	a Court of Pleas, with jurisdiction to £3 6*s.* 8*d.*; disused.	no borough gaol.	none .	none .	none . .	none.	
none	none	ditto . . .	the portreeve.	none . . .	none	a manor bridewell.	none .	none .	none . .	none.	
none	none	ditto . . .	sovereign.	none . . .	none	none . .	none .	none .	none . .	none.	
appointed by patron; no qualification.	none	ditto . . .	sovereign and recorder.	none . . .	a Court of Pleas to £20 Irish; disused.	none . .	£132 10*s.*	£132 10*s.*	£200 16*s.* 3*d.*	kept by treasurer; audited by a committee of the corporation.	
elected by the freemen, no qualification necessary, but that he should be free; but for certain purposes must be a barrister of three years' standing; is a barrister.	by the freemen; must be a freeman.	jurisdiction of a county of a city; felonies, and all minor offences.	the mayor, recorder, and all the aldermen.	the mayor and recorder are justices of the county of Cork.	Court of Pleas in all actions personal and mixed, (ejectments and replevin excepted,) unlimited in amount.	excellent.	£6,237	£. s. d. 6,153 13 1	£. s. d. 7,247 17 9	regularly.	
none	by the sovereign and burgesses, from the burgesses.	none save that of justice of the peace; not exclusive.	the sovereign.	none . . .	none	none . .	none .	none .	none . .	none.	
elected by the sovereign, burgesses, and freemen; must be a barrister of three years' standing; is a barrister.	by the sovereign, burgesses, and freemen.	all offences, treason excepted; is exclusive.	the sovereign and recorder; two senior burgesses sit at sessions.	the sovereign.	Court of Pleas; all personal actions, without limit as to amount.	sufficient.	£550.	£360.	£1,933 1*s.* 6*d.*	regularly.	
by the sovereign, bailiffs, and burgesses, without any necessary qualification.	by the sovereign, bailiffs, and burgesses.	none save that of justice of the peace; not exclusive.	the sovereign.	none . . .	none	none . .	none .	none .	none . .	none.	
by the corporation at large; no qualification is necessary; is a barrister.	by the corporation at large.	all offences; is exclusive.	mayor, bailiffs, and recorder.	mayor and recorder.	Court of Pleas in all personal actions, without limit in amount.	insufficient.	£914 8*s.* 1*d.*	£696 2*s.* 8*d.*	£1,067.	regularly.	

II.

MIDLAND CIRCUIT.

Page.	NAME of PLACE.	COUNTY.	Governing Charter, Date of.	POPULATION. 1831. City or Borough.	Town, including Suburbs.	Number of CORPORATORS, including Burgesses and Freemen, 1833. N.B.—If the Chartered Number is definite, put the letter D. after the number stated; if indefinite, the letter I. Def.	Indef.	Total.	TITLE and NUMBER of GOVERNING BODY. TITLE.	No.	MAYOR. By whom chosen, and from whom. N.B.—If not annually chosen, state the period of service.	ALDERMEN, (or Second Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of service.	No.	COMMON COUNCILMEN, (or Third Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of service.	No.	FREEDOM, how acquired.	RECO By whom a Qualifi N.B.—If requir in the law, Barrister.
117	ATHBOY . . .	Meath .	9 Jac. I.	. .	1,959	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
123	ATHLONE . .	Westmeath and Roscommon	4 Jac. I.	11,406	. .	16	227	243	Common Council, consisting of the sovereign and certain burgesses, and freemen.	20	sovereign, by the common council, from the burgesses; two bailiffs in like manner.	constable of the castle by tenure; 12 other burgesses chosen by the common council, out of the freemen.	13	common councilmen, being certain burgesses and freemen selected by the common council.	20	by election by the common council.	by the commo present reco rister.
139	ATHY	Kildare .	11 Jac. I.	. .	4,494	14	13	27	Sovereign, Bailiffs, and Burgesses.	14	sovereign, by the sovereign in office, the bailiffs, and burgesses, out of the burgesses.	bailiffs, by a majority of the sovereign, bailiffs, and burgesses, from the freemen.	2	burgesses, by a majority of the sovereign, bailiffs, and burgesses, from the freemen.	11	of late years by the gift of the sovereign alone.	chosen by the present reco rister.
147	BALLINAKILL .	Queen's .	10 Jac. I.	3,000	2,000	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
151	BALTINGLASS .	Wicklow	15 Car. II.	. .	1,670	12	0	12	None.	..	by and from the burgesses.	burgesses, by the sovereign and burgesses.	12	none	..	no freemen . .	none .
155	BANAGHER . .	King's .	4 Car. I.	. .	2,636	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
161	BLESSINGTON .	Wicklow	21 Car. II.	. .	426	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
163	CARLOW . . .	Carlow .	26 Car. II.	9,114	11,114	13	20	33	Sovereign and Free Burgesses.	13	by the sovereign and free burgesses, from the free burgesses.	free burgesses, by the sovereign and free burgesses, out of the freemen.	12	none	..	by election by the sovereign and free burgesses.	none .
171	DULEEK . . .	Meath .	Charter of Walter de Lacy . .	1,217	. .	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
175	FORE	Westmeath	Corporation by prescription only.	120	. .	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
177	HARRISTOWN .	Kildare .	33 Car. II.	Village.	. .	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
179	KELLS	Meath .	34 Hen. VIII.	. .	4,326	33	27	58	Common Council, consisting of the sovereign, provosts, and three burgesses, nominated by the patron.	6	sovereign, by the corporation at large, out of the body of the burgesses.	provosts, from the burgesses, one by the corporation at large, the other by the patron.	2	burgesses elected by the sovereigns, provosts, and burgesses, from the freemen.	24	by election only by the sovereign, provosts, and burgesses.	by sovereig burgesses; in the law recorder is
189	KILBEGGAN . .	Westmeath	10 Jac. I.	. .	1,985	12	35	47	The Portreeve and Free Burgesses.	12	portreeve, by the free burgesses, on the nomination of the patron.	free burgesses, by the portreeve and free burgesses, at nomination of the patron.	11	none	..	by election by the portreeve and free burgesses.	nominated by
195	KILDARE . . .	Kildare .	Hen. VIII.	. .	1,753	9	4	13	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
201	MARYBOROUGH.	Queen's .	12 Eliz.	5,000	3,223	0	9	9	The entire Corporation.	..	burgomaster, by the burgesses and freemen.	bailiffs, by the burgesses and freemen.	2	burgesses, by burgesses and freemen, in court leet, having been approved of by a jury of members of the corporation.	3	same way as burgesses. This is under a bye-law. The same bye-law enables the burgomaster to admit two persons to their freedom, and the bailiffs one.	none .
211	NAAS	Kildare .	11 Eliz. and 7 Jac. I.	. .	3,808	0	16	16	The entire Corporation.	..	sovereign, nominated by the patron, and elected by the burgesses and freemen.	provosts, as the sovereign.	2	burgesses, the number is not limited; elected as the sovereign.	6	by election, as the burgesses.	none .
225	NAVAN . . .	Meath .	21 Jac. I. and 13 Car. II.	. .	4,416	9	9	18	The entire Corporation.	..	portreeve, by the corporation at large, at the nomination of the patrons.	burgesses, the charter number is 12, by the corporation at large, from the freemen.	9	none	..	elected in same manner as burgesses.	none .
233	NEWCASTLE . .	Dublin .	11 Jac. I.	395	. .	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
235	OLD LEIGHLIN .	Carlow .	Corporation by prescription.	. .	100	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
237	PHILIPSTOWN .	King's .	12 Eliz.	. .	1,454	..	..	..	. . .	..	. . . .	. . . .	..	. . . . .	..	. . . .	. .
243	PORTARLINGTON	Queen's and King's.	19 Car. II.	. .	3,091	15	1	16	The entire Corporation.	..	sovereign, from the burgesses, by the sovereign and bailiffs in office, and the burgesses.	bailiffs, by the same persons as the sovereign, from the freemen.	2	burgesses, exclusive of the sovereign, elected by the same persons as the sovereign and bailiffs, from freemen.	12	in practice, by grace especial only.	appointed manor of present rister.
263	TRIM	Meath .	13 Eliz.	. .	3,282	0	110	110	The entire Corporation.	..	portreeve, from the burgesses, by the corporation at large.	burgesses, number not limited, elected by the corporation at large; no qualification is required.	55	none	..	by birth, marriage, and gift of the corporation at large.	by the c not a b ties.

ircuit.

R. ted, and n. be learned whether a	TOWN CLERK. By whom elected, and Qualification.	CRIMINAL JURISDICTION. Over what Offences, and whether or not exclusive.	CORPORATORS who are Borough Magistrates.	Corporators who are *ex officio* County Magistrates.	Nature and Limit of Jurisdiction of COURT OF RECORD. *N.B.*—State whether or not disused.	GAOL, State of.	Average REVENUE.	Average EXPENDITURE, exclusive of Payments in Reduction of Debt.	DEBT.	Whether any Accounts, and how kept.	REMARKS.
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct. Commons of the town, containing 800 acres, alleged to have been appropriated.
ncil. The is a bar-	by the common council. No qualification is required.	none save that of sovereign, vice-sovereign, and recorder, justices of the peace, to the exclusion of all others.	sovereign, or vice-sovereign and recorder.	none . .	limited in amount of claim to £5, late Irish currency. Its process is permitted to issue, although the court has not sat for 12 years.	borough prison, only used as a place of temporary confinement: unwholesome in the extreme.	£220 . .	About £220 .	£73 2*s.* 9*d.* .	kept by sovereign or vice-sovereign.	
sses. The is a bar-	by sovereign, bailiffs, and burgesses.	none save that of justice of the peace; not exclusive.	sovereign . .	none . .	all actions not exceeding 40*s.*, Irish currency; still in use.	none. . .	£154 . .	£138 . .	none, except that the salaries of the officers are something in arrear.	kept by treasurers.	
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
. .	none . . .	ditto . . .	the sovereign or his deputy.	none . .	none . . .	none . .	none . .	none . .	none . .	none . .	It is questionable whether this corporation has any legal existence.
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
. .	by sovereign and free burgesses. No qualification.	ditto . . .	the sovereign .	the sovereign	court disused . .	no borough gaol .	for seven years, £170 a-year.	£170 a-year .	none . .	none.	
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
osts, and "learned e- present er.	elected as the recorder. No qualification is required.	ditto . . .	the sovereign .	none . .	none in existence . .	no borough prison	£157 a-year .	£157 a-year prior to 1828.	some debts are due by the corporation to an inconsiderable amount in the whole.	accounts are kept by the town clerk.	
tron . .	nominated by the patron.	ditto . . .	the portreeve .	none . .	All actions to 5 marks, in amount of claim; little used.	none . .	the only revenue is a rent of £50 a-year paid to the portreeve from the public crane.	none . .	none . .	none.	
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	none . .	. . .	. . .	The corporate offices have not been filled since 1829.
. .	nominated by the burgomaster.	ditto . . .	the burgomaster .	none . .	none in existence . .	none . .	none at present, except some trifling emolument from the public crane.	none . .	. . .	formerly by the burgomaster.	It is doubtful whether this corporation legally exists.
. .	none . . .	ditto . . .	the sovereign .	none . .	none has existed for several years.	none . .	£322 credited to the corporation; it should be more.	not ascertained .	none . .	by lord Mayo .	Attempt recently made to alienate the corporate property.
. .	elected by the corporation at large. No qualification is necessary.	ditto . . .	the portreeve .	the portreeve	none held . . .	none . .	at present none but a very few pounds from the crane.	none but salaries to inferior officers.	salaries are due to inferior officers.	none.	
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
. .	. . . .	. . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	Corporation extinct.
rd of the ton. The a bar-	none . . .	ditto . . .	the sovereign and recorder.	none . .	No borough court. There is a manor court, with jurisdiction in court baron to 40*s.*, and as a court of record to £200, late Irish currency. Its jurisdiction includes the borough.	"black-hole;" used only as a place of temporary confinement: a most unwholesome place.	£55 7*s.* 8½*d.* a-year	£55 7*s.* 8½*d.* a-year	none . .	none.	
at large, s no du-	by the corporation at large.	ditto . . .	portreeve . .	none . .	civil court for all actions, without limit or amount of claim; little resorted to.	none . .	£15 17*s.* 8*d.* a-year.	£15 17*s.* 8*d.* a-year	none . .	none.	

IV.

SOUTH-EASTERN CIRCUIT.

Page.	NAME of PLACE.	COUNTY.	Governing Charter, Date of.	POPULATION, 1831. City or Borough.	POPULATION, 1831. Town, including Suburbs.	Number of CORPORATORS, including Burgesses and Freemen, 1833. *N.B.*—If the Chartered Number is definite, put the letter D. after the number stated; if indefinite, the letter I. Def.	Indef.	Total.	TITLE and NUMBER of GOVERNING BODY. TITLE	No.	MAYOR. By whom chosen, and from whom. *N.B.*—If not annually chosen, state the period of service.	ALDERMEN, (or Second Body, however named.) By whom chosen, and from whom. *N.B.*—If not chosen for life, state the period of service.	No.	COMMON COUNCILMEN, (or Third Body, however named.) By whom chosen, and from whom. *N.B.*—If not chosen for life, state the period of service.	No.	FREEDO how acqu
275	ARDFERT .	Kerry .	None; supposed to be by prescription.	2,022	717	.	..	..	. . . .	..	. . . . .	. . . . .	..	. . . .	..	. . .
281	ASKEATON .	Limerick	11 Jac. I.	. .	1,515	.	..	..	. . . .	..	. . . . .	. . . .	..	. . . .	..	. . .
285	ATHENRY .	Galway .	A fiant of 16 Elizabeth.	. .	1,319	0	23	23	the portreeve and burgesses, about 20 of whom are supposed to be living, but not more than 5 ever attend.	..	the portreeve is selected, nominally, from three of the burgesses previously nominated by and from amongst themselves; in reality, he is the nominee of Mr. Blakeney, the patron.	the burgesses, chosen by the portreeve and burgesses, at the nomination of the patron.	20	none	..	by the electi the portree burgesses.
293	CASTLEBAR .	Mayo .	11 Jac. I.	. .	6,373	6	0	6	. . . .	..	. . . . .	. . . .	..	. . . .	..	. . .
297	DINGLE . .	Kerry .	4 Jac. I. on a fiant of Elizabeth.	9,329	4,327	9	4	13	the sovereign and burgesses.	9	the sovereign; is elected by the sovereign, burgesses, and freemen, from the burgesses.	the burgesses, elected by the sovereign, burgesses, and freemen, without restriction as to residence, or other qualification.	8	none	..	no right nised; elect the sove burgesses, freemen, mode know
307	ENNIS . . .	Clare . .	10 Jac. I.	9,568	. .	13	0	13	the provost and free burgesses.	13	the provost, elected by the provost and free burgesses, from the free burgesses.	the free burgesses, by the provost and free burgesses.	12	none	..	none recogni present; fo by presentm leet jury.
315	GALWAY . .	Galway (Town.)	29 Car. II.	33,120	. .	0	1,770	1,770	the mayor, 2 sheriffs, and 41 free burgesses, constitute the common council.	44	the mayor, elected by and from amongst the free burgesses. The sheriffs in like manner. Must be approved of by the Lord Lieutenant and Privy Council.	the free burgesses, by the mayor, sheriffs, and free burgesses, out of the freemen.	41	none	. .	by "new and 4 G c. 15; and 2 Wm. IV. and by spe vour.
335	LANESBOROUGH	Longford.	17 Car. I.	. .	390	.	..	..	. . . .	..	. . . . .	. . . .	..	. . . .	..	. . .
339	LIMERICK .	Limerick (City.)	Several charters, but principally by 4 Geo. IV. c. 126.	66,554	44,100	0	271	271	the mayor, 2 sheriffs, aldermen, and burgesses, forming "the common council." Present number.	69	the mayor, elected by the common council, from the burgesses; the sheriffs, by the common council, from the burgesses and freemen; must be approved of by the Lord Lieutenant and Privy Council.	aldermen, elected by the common council from the burgesses; usually those who have served the office of mayor.	..	burgesses, elected by the common council without qualification, usually from the freemen.	..	by birth, ma apprentices and electi the commo cil.
413	ROSCOMMON	Roscommon.	10 Jac. I.	. .	3,306	.	..	..	. . . .	..	. . . . .	. . . . .	..	. . . . .	..	. . .
419	TRALEE . .	Kerry .	10 Jac. I.	9,568	. .	12	2	14	the provost and free burgesses.	12	the provost is elected by the provost and free burgesses, from the free burgesses.	free burgesses, by the provost and free burgesses.	11	none	..	election b burgesses
429	TUAM . . .	Galway .	11 Jac. I.	. .	6,883	13	1	14	the sovereign and free burgesses.	13	the sovereign elected by the sovereign and free burgesses, from the free burgesses.	free burgesses, by the sovereign and free burgesses.	12	none	..	election b burgesses
443	TULSKE . .	Roscommon.	14 Car. II.	. .	village.	.	..	..	. . . .	..	. . . .	. . . .	..	. . . .	..	. .

Circuit.

RECORDER. By whom appointed, and Qualification. *N.B.*—If required to be learned in the law, state whether a Barrister.	TOWN CLERK. By whom elected, and Qualification.	CRIMINAL JURISDICTION. Over what Offences, and whether or not exclusive.	CORPORATORS who are Borough Magistrates.	CORPORATORS who are *ex officio* County Magistrates.	Nature and Limit of Jurisdiction of COURT OF RECORD. *N.B.*—State whether or not disused.	GAOL, State of.	AVERAGE REVENUE.	AVERAGE EXPENDITURE, exclusive of Payments in Reduction of Debt.	DEBT.	Whether any Accounts, and how kept.	REMARKS.
. . . . .	. . . . .	none, save that of justice of the peace; not exclusive.	portreeve . .	none . . .	nature and extent uncertain; long disused.	no borough gaol; a building, called a marshalsea, said to be corporate property.	none; the commons, containing about 200 acres, only corporate property known.	none . .	none. . .	none . . .	This corporation has ceased to exist altogether since 1826. The town is a poor village. The commons are the subject of much contention; if enclosed, would be worth about £70 a-year.
. . . .	. . . . .	. . . .	. . . .	. . . .	. . . . .	. . .	. . .	. . .	. . .	. . . .	Corporation extinct.
none	none at present . .	ditto	portreeve . .	none . . .	for all real and personal actions to an unlimited amount; sits occasionally.	none. . .	including tolls and court-fees, about £90 a-year.	entire revenue applied to use of portreeve.	none. . .	. . . .	An increase in the revenue is anticipated on the expiration of a lease. The tolls and the borough court are both much complained of by the inhabitants.
. . . . .	. . . . .	. . . .	. . .	. . . .	for all pleas to five marks; disused.	. . .	. . .	. . .	. . .	. . . .	Corporation extinct.
elected for life by the sovereign, burgesses, and freemen; is not a barrister, and not required to be learned in the law.	formerly by corporate body, now appointed by sovereign.	none now exercised; extends by charter to all offences except the highest, and appears to have been exclusive.	sovereign . .	sovereign, in practice.	all actions, and to an unlimited amount; sits constantly.	no borough gaol, but there is a county bridewell.	about £12 a-year from the customs, besides commons.	entire revenue to sovereign.	none. . .	none	The commons are a large tract of poor land, but might be converted to some purpose more beneficial to the inhabitants than they are; supposed to be worth about £60 a-year.
none	elected by provost and free burgesses.	none, save that of justice of the peace; not exclusive.	provost . .	none . . .	for all debts to £3 6*s.* 8*d.*; disused.	no borough gaol.	none . .	none . .	none. . .	none.	
is a barrister; must be "learned in the laws;" elected annually by the common council, subject to approval by Lord Lieutenant and Privy Council.	elected by common council; no peculiar qualification; must be approved of by Lord Lieutenant and Privy Council.	extends to all offences, and is exclusive, the town being a county in itself.	mayor and recorder.	mayor and recorder are justices of the county of Galway.	all debts, to an unlimited amount; sits constantly.	hitherto defective; a large addition in progress.	£1,260 from tolls.	none. See observations.	none. . .	none	The entire revenues are from tolls, and now received by the Court of Chancery. The corporate officers have been without salaries since the court interfered.
. . . .	. . . . .	. . . .	. . . .	. . . .	. . . . .	. . .	. . .	. . .	. . .	. . . .	Corporation extinct.
elected annually by the common council, subject to the approval of Lord Lieutenant and Privy Council; no qualification required by the charter, but is always a barrister.	elected as recorder; no qualification required; must be approved of by the Lord Lieutenant and Council.	all offences whatever; is exclusive, the city being a county in itself.	mayor, recorder, and four aldermen, elected annually by the common council.	the mayor is a justice of the county of Limerick.	all personal actions, to an unlimited amount; not much resorted to in latter years, but sits constantly.	in excellent order.	£ s. d. 4,418 16 8 in 1833; great part from tolls, and variable.	about £3,000.	claims unascertained, but about £3,000; no acknowledged debt.	by the chamberlain, and under the control of the court of d'oyer hundred.	
. . . . .	. . . . .	. . . .	. . . .	. . . .	. . . . .	. . .	. . .	. . .	. . .	. . . .	The corporation of Roscommon is extinct. The revival of the corporation seems desired by the inhabitants; a local magistrate much required.
none	by the provost and free burgesses.	none, save that of justice of the peace; not exclusive.	provost . .	he is included in the commission of the peace for the county, but not so by charter.	all personal actions to five marks; much resorted to by the poor.	the county gaol is within the borough; no other.	none . .	none . .	none.		
none at present; was formerly.	formerly by the sovereign and free burgesses; now by the sovereign.	none	none . . .	none . . .	all pleas to 5 marks; disused.	no borough gaol, but there is a county bridewell in the town.	£250 from tolls.	about £100.	about £120 to Mr. Blake, about £50 claimed by Mr. Burke, and about £150 by the sovereign.	no regular account kept.	The revenues from tolls, &c., are said to be worth £300 a-year.
. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	. . .	. . .	. . .	. . .	. . . .	Corporation extinct.

V.

NORTH-EASTERN CIRCUIT.

Page.	NAME of PLACE.	COUNTY.	Governing Charter, Date of.	POPULATION. 1831. City or Borough.	POPULATION. 1831. Town, including Suburbs and Liberties.	Number of Corporators, including Burgesses and Freemen, 1833. N.B.—If the Chartered Number is definite, put the letter D. after the number stated; if indefinite, the letter I. Def.	Indef.	Total.	TITLE and NUMBER of GOVERNING BODY. TITLE.	No.	MAYOR. By whom chosen, and from whom. N.B.—If not annually chosen, state the period of service.	ALDERMEN, (or Second Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of service.	No.	COMMON COUNCILMEN, (or Third Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of services.	No.	FREEDOM, how acquired.	RECOR By whom app Qualifi N.B.—If required in the law, st Barrister.
449	CALLAN . . .	Kilkenny	none. This is said to be a corporation by prescription.	. .	6,111	0	20	20	The entire corporation.	20	sovereign, by the burgesses and freemen.	none . . . . there is no distinction between the burgesses and the freemen; the numbers are not limited.	..	none	..	by admission by sovereign, burgesses, and freemen, on a ten days' notice.	none .
455	CARIESFORT . .	Wicklow	4 Car. I.	. .	. .	..	..	..	. . . .	..	. . . .	. . . .	..	. . . .	..	. . . .	. . .
459	CASHEL . . .	Tipperary	15 Car. I.	6,971	. .	16	22	38	The Mayor and Aldermen.	16	three names are selected by the aldermen and submitted to the common hall. In practice this selection is always from among the aldermen. One is elected mayor by the entire body in common hall.	the aldermen are elected for life, by the aldermen, from among the freemen.	15	none	..	by admission by the mayor and aldermen. No right is acknowledged here.	elected by the dermen; when barrister, is n barons of the e
477	CLONMEL . . .	Tipperary and Waterford	6 Jac. I.	15,134	. .	20	158	178	The Mayor, two Bailiffs, and 17 Free Burgesses. They constitute the common council.	20	three burgesses are put in nomination by the common council, and one of these is elected by the burgesses and commonalty to be mayor. The bailiffs are elected in like manner.	burgesses, elected from the freemen by the burgesses and freemen.	17	. . . . .	..	by admission by the burgesses in council; rights by birth, service, and marriage are acknowledged since the Reform Act.	is nominated by and elected by body; is a charter directs be "learned i
493	ENNISCORTHY .	Wexford	11 Jac. I.	. .	5,955	11	13	24	Portreeve and Free Burgesses.	11	the portreeve is chosen by the portreeve and free burgesses.	free burgesses, chosen by the portreeve and burgesses.	10	none	..	freemen are admitted by the portreeve and burgesses by special favour; no right is acknowledged.	a barrister; ne emolument.
499	FEATHARD . .	Tipperary	5 Jac. I.	. .	3,405	9	13	22	Sovereign and Chief Burgesses.	9	sovereign, by the sovereign and chief burgesses.	chief burgesses, by the sovereign and chief burgesses, from among the freemen.	8	none	..	admitted by the sovereign; no right acknowledged.	not a barrister; ed by the patro
507	FEATHARD . .	Wexford	11 Jac. I.	. .	350	..	..	..	. . .	..	. . . .	. . . .	..	. . . .	..	. . . .	. . .
509	GOREY	Wexford	17 Jac. I.	. .	3,044	9	3	12	Sovereign and Burgesses.	9	sovereign is elected by the burgesses.	burgesses, by the sovereign and burgesses, out of the free commoners.	8	none	..	admitted by the sovereign and burgesses.	office vacant; was not a bar
515	GOWRAN . . .	Kilkenny	6 Jac. I.	. .	1,009	not as	certain	ed	Portreeve and 12 Burgesses.	13	portreeve is elected by the burgesses and freemen from among the burgesses. No election here since June 1827.	chief burgesses, by the portreeve and chief burgesses.	12	none	..	admitted by the portreeve and burgesses.	elected by port burgesses; barrister.
519	INISTIOGE . .	Kilkenny	6 Jac. I.	. .	906	9	4	13	Portreeve and Chief Burgesses.	9	the portreeve, to be chosen by chief burgesses and freemen from among the chief burgesses.	chief burgesses, by the portreeve and chief burgesses.	8	none	..	admitted by the portreeve and chief burgesses.	to be elected and chief bu barrister.
525	IRISHTOWN . .	Kilkenny (City.)	3 Jac. I.	. .	10,194	14	3	17	Portreeve and Burgesses.	14	portreeve elected by burgesses; a mere form. Bishop of Ossory appoints to the office.	burgesses elected by the burgesses, with the approbation of bishop of Ossory.	13	none	..	admitted by the burgesses and freemen.	. .
531	KILKENNY . .	Kilkenny (City.)	7 Jac. I.	23,741	. .	19	450	469	Mayor, Aldermen, and 36 Common Councilmen.	55	mayor, from among the aldermen, by the mayor, aldermen, and common councilmen; the two sheriffs by the same, from the common councilmen.	aldermen, by the mayor and aldermen, from among the common councilmen, for life.	18	common councilmen, by the mayor, aldermen, and common councilmen, from among the freemen, for life.	36	admitted by favour by the mayor, aldermen, and common councilmen; and of late years in right of birth, servitude, and marriage; in a few instances by the incoming or outgoing mayor.	is elected by t men, and c men; is a learned in t land.
555	NEW ROSS . .	Wexford	9 Jac. I.	. .	5,011	0	28	28	The Council, consisting of the Sovereign and Burgesses.	26	the sovereign is elected annually, by the sovereign and burgesses, from among the latter.	burgesses, by the sovereign and burgesses; number not limited.	25	. . . .	..	they are admitted by the council; no rights are acknowledged.	by the sovere out of the learned in barrister.
571	THOMASTOWN .	Kilkenny	1 Mary, 13 Jac. I.	. .	2,871	9	0	9	Sovereign and Burgesses.	9	the present sovereign was appointed in 1823, and has continued since.	. . . .	..	. . . .	..	. . . .	. .
577	WATERFORD .	Waterford (City.)	2 Car. I.	28,821	. .	19	850	869	The Council, consisting of the Mayor, 2 Sheriffs, 18 Aldermen, and 19 assistants.	40	mayor, by the council, from among the aldermen, annually; sheriffs, by the council, from the assistants.	the aldermen are elected by the council from among the assistants or common councilmen.	18	assistants or common councilmen.	19	in right of birth, apprenticeship, or marriage; also by favour of the mayor and council.	the recorder mayor and learned in land; is a
619	WEXFORD. . .	Wexford	7 Jac. I.	10,673	. .	24	500	524	The Mayor, Bailiffs, and Free Burgesses.	24	mayor, by the corporation at large, from among the free burgesses, annually.	the bailiffs elected in like manner as the mayor.	2	free burgesses, by the corporation, from among the freemen.	21	at a general meeting of the corporation; no right acknowledged but apprenticeship; the mayor may admit two special freemen during his year of office.	none
633	WICKLOW . .	Wicklow	11 Jac. I.	2,472	. .	13	44	57	Portreeve and Free Burgesses.	13	portreeve, by the portreeve and free burgesses, from the free burgesses.	free burgesses elected by the portreeve, and free burgesses from among the freemen.	12	none	..	freemen are admitted by the portreeve and free burgesses; a right to freedom is acquired by birth, apprenticeship, or marriage.	none

ern Circuit.

ER. ted, and on. be learned whether a	TOWN CLERK. By whom elected, and Qualification.	CRIMINAL JURISDICTION. Over what Offences, and whether or not exclusive.	CORPORATORS who are Borough Magistrates.	CORPORATORS who are *ex officio* County Magistrates.	Nature and Limit of Jurisdiction of COURT of RECORD. N.B.—State whether or not disused.	GAOL, State of.	AVERAGE REVENUE.	AVERAGE EXPENDITURE, exclusive of Payments in reduction of Debt.	DEBT.	Whether any Accounts, and how kept.	REMARKS.
. .	appointed by the sovereign.	none . . .	none . . .	none . .	over all persons resident or found within the town or liberties, in debts and matters of account not exceeding 40*s.* (Irish.)	none . .	about £50 a-year .	amounts to the revenue, which is not adequate to the requisite expenses.	some arrear of salary to the sovereign.	the accounts are kept by the sovereign in a book, which he has occasionally submitted to some of the members.	Union compensation of £15,000 granted to George Lord Callan. The patron and sovereign seem to have the entire power of government here.
. .	. . . . .	. . . . .	. . . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	This corporation is extinct. Union compensation of £15,000 granted to John Earl of Carysfort.
or and al- cted was a ne of the equer.	elected annually along with the mayor.	none save that of justices of the peace. Not exclusive.	mayor and deputy mayor.	mayor during his year of office and for the succeeding year.	extends to causes of action not exceeding £20 late currency, arising within the city and liberties.	no corporation gaol. The county bridewell, situate in Cashel, is clean and in good order.	£219 16*s.* 11*d.* per annum.	about equal to the revenue.	none . .	accounts kept by the treasurer, but he does not account to the corporation.	
burgesses, corporate ster; the t he shall laws."	is elected in the same manner as the recorder.	ditto . . .	the mayor . .	. .	extends over the town and liberties, and is not limited as to amount.	there is not any gaol belonging to this corporation.	about £650 per annum.	about equal to the revenue.	£730 on mortgage.	the accounts are kept by the chamberlain.	
r duty nor	the appointment of inferior officers is vested by the charter in the corporation.	none . . .	. . .	. .	portreeve's court held weekly, extends to five marks, viz. £3 6*s.* 8*d.* late currency.	none . .	none . .	none . .	none . .	none.	
commend- lternately.	appointed by sovereign or recorder.	none save that of justices of the peace. Not exclusive.	sovereign and vice-sovereign.	. .	no limit as to amount .	. . .	rental is £34 14*s.* 6*d.*, but is not duly collected.	scarcely any .	none . .	neglected . .	The Union compensation of £15,000 was granted as follows, viz. to Cornelius Lord Lismore £7,500, and to Thomas Barton, Esq. and the sovereign and free burgesses of the town of Feathard, £7,500.
. .	. . . . .	. . . . .	. . .	. .	. . . .	. . .	. . .	. . .	. . .	. . .	This corporation is extinct. The Union compensation of £15,000 was granted to Charles Earl of Ely, and Charles Tottenham, Esq.
t recorder	none . . .	ditto . . .	the sovereign during his year of office and one year afterwards.	none . .	none held here now; there was one formerly with a jurisdiction to £20 Irish.	none . .	none . .	none . .	none . .	none . .	The Union compensation of £15,000 was granted to Stephen Ram, Esq.
and chief eer, not a	same as recorder .	ditto . . .	the portreeve . .	none . .	not exceeding £6 13*s.* 4*d.*; none held here now.	. . .	. . .	none . .	none . .	none . .	This corporation has little more than a nominal existence. The Union compensation of £15,000 was granted to Henry Welbore Lord Viscount Clifden.
portreeve s; not a	some able and discreet person to be elected by portreeve and chief burgesses.	ditto . . .	the portreeve . .	none . .	not exceeding £20 Irish; used.	. . .	none. There were formerly some tolls, but they have been discontinued.	nothing but the bailiff's salary, which is paid by the recorder.	none . .	none . .	The Union compensation was granted to William Tighe, Esq. and the portreeve and burgesses of the borough of Inistioge.
. .	. . . . .	ditto . . .	the portreeve . .	none . .	not exceeding £2 Irish; exercised.	. . .	fluctuating and rather decreasing; about £15 per annum.	about equal to the revenue.	the portreeve seems to be in advance for the corporation nearly £200.	none rendered to the corporation.	Irishtown is adjacent to, and may be said to form part of Kilkenny. The Union compensation of £15,000 was granted to the trustees and commissioners of first fruits.
or, alder- council- r; to be of Eng-	is elected by the mayor, aldermen, and common councilmen.	the jurisdiction of a county of a city.	the mayor and such of the aldermen as have served the office of mayor.	. .	unlimited as to amount, but it is limited to causes of action arising within the precincts of the corporation.	not a convenient structure; but was clean, and seemed to be well regulated.	the rental of tithes is £987 13*s.* 9¾*d.*; lands &c. £830 17*s.* 9½*d.*; customs nearly £200 per annum.	the annual expenditure is about £1,350.	the debt is rather more than £1,000.	the treasurer usually accounts twice a-year, and these accounts are audited by a committee.	The constitution of this corporation, which, according to the charter of 7 James I., was of a popular character, has been gradually altered, until almost every power, with the exception of the important one of electing members of parliament, has been vested in, and is now exercised by, the select body.
burgesses ; to be rs; is a	is elected by the sovereign and free burgesses.	none, save that of justices of the peace; is exclusive.	the sovereign and recorder.	sovereign and recorder.	jurisdiction unlimited; court discontinued nearly thirty years.	no corporation gaol. There is a county bridewell in the town.	the rental amounts to £181 9*s.* 7½*d.* a-year.	seems latterly to have rather exceeded the revenue.	a debt of £4,306 5*s.* 6*d.* was some years ago admitted to be due by the corporation; but no claim is now made for it.	kept by the treasurer, and generally referred to a committee.	
. .	. . . . .	. . . . .	. . . .	. .	limited to sums not exceeding £2 Irish; discontinued for the last two years.	. . .	. . .	. . .	. . .	. . .	The Union compensation of £15,000 was granted to Henry Welbore Lord Viscount Clifden.
d by the is to be of Eng-	is elected by the mayor and council.	jurisdiction of a county of a city.	the mayor, recorder, and four senior aldermen.	the mayor is a magistrate of the county of Waterford.	is unlimited as to amount, and extends to all suits, real, personal, and mixed.	Both the gaol and penitentiary are in very exemplary order and condition.	£7,426 11*s.* 3*d.* or thereabouts.	rather less than the revenue.	amounts to £68,532 4*s.* 8*d.*	the chamberlain accounts half-yearly, and his accounts are audited by a committee of the council.	
. .	by the corporation; no qualification.	none, save that of justice of the peace; not exclusive.	the mayor . .	the mayor .	unlimited as to amount; nearly fallen into disuse.	none under the control of the corporation.	about £176 12*s.* 0½*d.* and expected to increase about £100 a-year.	An elegit creditor is in possession of £109 14*s.* 5*d.* of the annual rents of the corporation, and the expenditure is less than the revenue.	something over £600.	the accounts are kept by the agent or receiver of the rents, and there is no regular audit of them.	
. .	. . . . .	none . . .	none . . .	none . .	to the extent of 5 marks, valued at £3 6*s.* 8*d.* late currency; it is held every Tuesday.	no corporation gaol.	about £115 per annum.	about equal to the revenue.	£200 late currency, contracted many years ago.	the expenditure is directed by the corporation at large, and the accounts are usually submitted to a committee yearly.	

VI.

NORTH-WESTERN CIRCUIT.

Page.	NAME of PLACE.	COUNTY.	Governing Charter, Date of.	POPULATION. 1831. City or Borough.	POPULATION. 1831. Town, including Suburbs.	Number of CORPORATORS, including Burgesses and Freemen, 1833. N.B.—If the Chartered Number is definite, put the letter D. over the number stated; if indefinite, the letter I.			TITLE and NUMBER of GOVERNING BODY. TITLE.	No.	MAYOR. By whom chosen, and from whom. N.B.—If not annually chosen, state the period of service.	ALDERMEN, (or Second Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of service.	No.	COMMON COUNCILMEN, (or Third Body, however named.) By whom chosen, and from whom. N.B.—If not chosen for life, state the period of service.	No.	FREEDOM, how acquired.	By
649	ARDEE	Louth	28th Feb. 1712.	..	3,975	Def. 24	Indef. 29	Total. 53	Common Council.	9	portreeve, by the body at large, from the burgesses.	burgesses, by the body at large, from the freemen.	23	certain burgesses and freemen, selected by the body at large.	8	by nomination of the common council, and subsequent election by the body at large.	by th bar
669	ARMAGH	Armagh.	26th March 1613.	..	9,470	13	3	16	Sovereign and Free Burgesses.	13	sovereign, by sovereign and free burgesses, from the free burgesses.	free burgesses, by the sovereign and free burgesses.	12	none	..	by special favour of sovereign and free burgesses.	none
687	BANGOR	Down	18th March 1612.	..	2,741	13	0	13	Provost and Free Burgesses.	13	provost, by provost and free burgesses, from the free burgesses.	free burgesses, by provost and free burgesses.	12	none	..	by special favour of provost and free burgesses.	none
695	BELFAST	Antrim	27th April 1613.	..	53,287	15	6	21	Sovereign and Free Burgesses.	15	sovereign, by sovereign and free burgesses, from three of the free burgesses selected by the lord of the castle.	lord of the castle by tenure, constable of the castle, nominated by the lord of the castle, and 12 other free burgesses, chosen by the sovereign and free burgesses.	14	none	..	by special favour of the sovereign and free burgesses.	none
735	CARLINGFORD	Louth	9th Aug. 1619.	..	1,319	13	0	13	Sovereign and Burgesses.	13	sovereign, by sovereign and burgesses, from the burgesses.	burgess, by the sovereign and burgesses.	12	none	..	by special favour of the sovereign and burgesses.	none
741	CARRICKFERGUS.	Carrickfergus (Town.)	14th Dec. 1612.	..	8,706	41	919	960	Assembly, consisting of Mayor, 16 other Aldermen, 2 Sheriffs, and 22 other Burgesses.	41	mayor, by the body at large, from the aldermen, to be approved of by the lord lieutenant and council. sheriffs, by the body at large, from the burgesses, to be approved of by the lord lieutenant and council.	aldermen, by the mayor and aldermen, from the burgesses.	17	burgesses, by the mayor, sheriffs, and burgesses.	24	by birth, marriage, and apprenticeship, and by special favour of the body at large.	by the appr lieute must laws;
789	CHARLEMONT	Armagh.	29th April 1613.	..	523	2	0	2	Legitimate Body defunct, save two Free Burgesses.	..	usurping portreeve elected by usurping corporators; approved of by lord lieutenant and council.	usurping free burgesses elected by usurping corporators.	4	none	..	by special favour of usurping corporators.	none
						4	3	7	Usurping Body acting.								
801	DROGHEDA	Drogheda (Town.)	22nd March 1697.	17,365	15,138	26	400	426	Assembly, consisting of Mayor, 23 other Aldermen, 2 Sheriffs, Sheriffs' Peers, (indefinite,) and 14 other Common Councilmen.	69	mayor, by the assembly, from the aldermen. sheriffs, by the assembly, from the freemen.	aldermen, by the assembly, from the freemen.	24	common councilmen; 14 elected by guilds of trade; the rest are sheriffs' peers, or those who have served the office of sheriff.	43	by birth and apprenticeship, and it seems by marriage; also by special favour of the assembly.	by the states is a ba
889	DUNDALK	Louth	4th March 1674.	..	10,750	17	23	40	The entire corporation.	..	bailiff, by the bailiff, burgesses, and freemen, out of the burgesses.	burgesses, by the bailiff, burgesses, and freemen, out of the freemen.	16	none	..	by special favour of the body at large, electing upon vacancies, Rex v. Page, 2 Ridg. P. C. 445.	by the ba freeme "learn laws;"
909	DUNGANNON	Tyrone	27th Nov. 1612.	..	3,515	13	3	16	Provost and Free Burgesses.	13	provost, by the provost and free burgesses, from the free burgesses.	free burgesses, by the provost and free burgesses.	12	none	..	by special favour of the provost and free burgesses.	none
915	DUNLEER	Louth	3rd Aug. 1678.	..	710	2	8	10	Sovereign and Burgesses.	..	sovereign, by the sovereign and burgesses, from the burgesses.	burgesses, by the sovereign and burgesses.	..	none	..	by special favour of the sovereign and burgesses.	by the he George
919	HILLSBOROUGH.	Down	19th Dec. 1662.	..	1,453	13	3	16	Sovereign and Burgesses.	13	sovereign, by the body at large, from the burgesses.	burgesses, by the sovereign and burgesses.	12	none	..	by special favour of the provost and burgesses.	by the M shire; the law court cr
925	KILLILEAGH	Down	10th March 1612.	..	1,147	13	12	25	Provost and Free Burgesses.	13	provost, by the provost and free burgesses, from the free burgesses.	free burgesses, by the provost and free burgesses.	..	none	..	by special favour of the provost and free burgesses.	none
939	MONAGHAN	Monaghan	26th March 1613.	..	3,848	13	6	19	Provost and Free Burgesses.	13	provost, by the provost and free burgesses.	free burgesses, by the provost and free burgesses.	12	none	..	by special favour of the provost and free burgesses.	none
955	NEWTOWNARDS.	Down	25th March 1613.	..	4,442	8	0	8	Provost and Free Burgesses.	8	provost, by the provost and free burgesses.	free burgesses, by the provost and free burgesses.	12	none	..	by special favour of the provost and free burgesses.	none

rn Circuit.

R. ted, and n. be learned whether a	TOWN CLERK. By whom elected, and Qualification.	CRIMINAL JURISDICTION. Over what Offences, and whether or not exclusive.	CORPORATORS who are Borough Magistrates.	CORPORATORS who are *ex officio* County Magistrates.	Nature and Limit of Jurisdiction of COURT OF RECORD. *N.B.*—State whether or not disused.	GAOL, State of.	AVERAGE REVENUE.	AVERAGE EXPENDITURE, exclusive of Payments in Reduction of Debt.	DEBT.	Whether any Accounts, and how kept.	PATRONS.	REMARKS.
ge; is a	by the body at large.	none, save that of justice of peace; not exclusive.	portreeve.	none	disused	no borough gaol.	£125 10*s.*	£100 (exclusive of law costs.)	none	kept by town clerk, audited occasionally by a finance committee.	William Parkinson Ruxton, Esq.	Inhabitants insist that corporate estates worth £1,000 per annum have been spoliated.
	by sovereign and free burgesses.	none	none	none	disused	no borough gaol.	none	none	none	none	The Lord Primate.	Sovereign and free burgesses (with the dean and chapter) are commissioners of pipe water; average income, as such, about £363 per annum. The corporation own "The Mall," and hold several charitable funds.
	none	none	none	none	disused	a "black hole."	£60.	£57.	none	kept by the provost.	The "Ward Family."	
	by sovereign, free burgesses, and freemen.	none, save that of justice of peace; not exclusive.	sovereign.	none	disused	no borough gaol.	none (save tolls taken by sovereign, worth £500 a-year.)	none	amount of charitable funds lost.	none	The Marquis of Donegall.	Sovereign and free burgesses are commissioners of police; sovereign and lord of the castle are harbour commissioners. Average annual income of the former £7,363, of the latter £7,651. Principal of charitable funds dissipated by the corporation £3,402.
	none	none, save that of justice of peace; not exclusive.	sovereign.	none	disused	a "black hole."	none	none	none	none	—— Moore, Esq.	Inhabitants insist that extensive tracts of commons of the town have been spoliated.
To be he lord council; in the r.	by the body at large, to be approved of by the lord lieutenant and council.	jurisdiction of a county of a town; have a gaol delivery.	mayor and recorder.	none	tholsel court held, jurisdiction unlimited in amount.	town gaol, united to that of the county of Antrim.	£358.	£264.	none	kept by treasurer, —audited occasionally by members of assembly.	The Marquis of Donegall.	Almost the entire county of the town, (containing 16,698 statute acres,) and other lands adjoining, were vested in the corporation. All have been aliened or leased for long terms at nominal rents, with the exception of the Knockagh, (about 200 statute acres,) and "the Commons" (2,648 statute acres.) The commons are greatly neglected; the validity of a recent lease of a valuable farm (the Nine Score Acres) is disputed. The members of the corporation are unable to verify their rental.
	usurping town clerk approved of by lord lieutenant and council.	none	none	none	the usurping body have instituted a court, with jurisdiction to £3 6*s.* 8*d.* Irish.	none	£3.	£2 10*s.*	none	kept by usurping portreeve.		
charter wyer;"	by the assembly.	jurisdiction of a county of a town.	mayor, recorder, mayor of the staple, and two senior aldermen.	none	tholsel court held, with jurisdiction unlimited in amount. Court of Conscience, under 30 Geo. III. c. 39, s. 23, with jurisdiction to 23*s.* Irish.	gaol of county of town, in good condition, accommodation occasionally insufficient. A great expense to the district.	£4,500.	£3,700.	£14,008 18*s.* 5½*d.*	kept by treasurer, regularly audited by a committee of accounts.		It is estimated that the corporate estates in lands and houses, if out of lease, would now let for more than £12,000 a-year. They are principally tenanted by members of the corporation, who, until the year 1833, were alone permitted to become tenants, and who are still considered entitled to renew leases at one-fourth of the annual value, fining down another fourth at rates arbitrarily fixed upon, and varied at different periods.
es, and be a the r.	by the bailiff, burgesses, and freemen.	none, save that of justice of peace; not exclusive.	bailiff and recorder.	none	disused	a "black hole."	£80.	£150.	£1,126 10*s.*	kept by treasurer, annually audited by two members of the corporation.	The Earl of Roden.	Inhabitants insist that extensive tracts of commons of the town have been spoliated.
	none	none	none	none	disused	no borough gaol.	none	none	none	none	The Earl of Ranfurlie.	
gns of	is also recorder.	none	sovereign.	none	none	none	none	none	none	none	Disputed between Mr. Coddington and Mr. Rodolph De Salis.	Corporation extinct.
Down- ned in rough	is also recorder.	none, save that of justice of peace; not exclusive.	sovereign.	none	none	two "black holes."	none	none	none	none	The Marquis of Downshire.	
	by the body at large.	none	none	none	disused	"a black hole," a "wretched and unwholesome place."	none	none	none	none	Lord Dufferin.	There are about 57 acres of commons belonging to the town.
	by the body at large.	none	none	none	disused	no borough gaol.	£194 9*s.* 11*d.*	£194 9*s.* 11*d.*	£	by serjeant at mace, and treasurer of town committee.	The Earl of Rossmore.	Part of the revenue is raised by a tax imposed by the corporation under colour of bye-laws, and by suing in the superior courts those who do not pay. Inhabitants complain of this as a grievous oppression.
	none	none	none	none	disused	no borough gaol.	none	none	none	none	The Marquis of Londonderry.	This corporation is virtually extinct.

SUMMARY.

THERE are 117 places in which inquiry was instituted by the Commissioners.

22 appear either not to have had municipal corporations in 1800, or the evidence of their having had them is unsatisfactory.

95 appear to have had municipal corporations in 1800.

In 24 the Commissioners were unable to discover, in 1833, any existing members of the corporations which had subsisted in 1800.

11 they found the corporations in actual decay, or in a condition of doubtful existence.

60 they found the corporations still maintained.

95

Their total population is 894,503.

CHARTERS.

The corporations claimed to be governed, principally,

	Boroughs.
By Charter of Walter De Lacy in	1
„ Henry VIII.	2
„ Elizabeth	6
„ James I.	55
„ Charles I.	7
„ Charles II.	16
„ William III.	1
„ Anne	1
By prescription	4
By Act of Parliament	2
	95

CORPORATE BODY.

In the 71 boroughs in which there are existing corporations or corporators

They found the corporations composed of definite classes only in	15
„ „ indefinite classes only in	13
„ „ both definite and indefinite classes in	43
	71

In boroughs in which the number is definite,

	Corporators.		Corporators.
It is in 5		under	10.
„ 10	above 10	and under	20.
—15			

In boroughs where there are indefinite classes,

	Corporators.		Corporators.
It is in 21		not exceeding	20.
„ 12	above 20	„	50.
„ 5	„ 50	„	100.
„ 2	„ 100	„	200.
„ 5	„ 200	„	300.
„ 4	„ 500	„	1,000.
„ 1	„ 1,000	„	2,000.
„ 1	„ 2,000	„	3,000.
„ 1	„ 3,000	„	4,000.
—52			
67			
Numbers not stated in 4			
71			

Titles to Freedom.	Number of Boroughs in which they respectively exist.			Corporators	Population.
	Total Number.	Where the Number of Corporators is not stated.	Where the Number of Corporators is stated.		
Birth, election, and gift	1	. .	1	217	9,917
Servitude, election, and gift	1	. .	1	524	10,673
Birth, marriage, and election	1	. .	1	110	3,282
Birth, servitude, and election	1	. .	1	2,665	100,716
Birth, marriage, servitude, and election	8	. .	7	3,230	162,793
		1	. .	. . .	19,620
Birth, marriage, servitude, but subject to arbitrary rejection by either aldermen or common council; and election	1	. .	1	4,000	204,155
"New Rules" and statute, and election	1	. .	1	1,770	33,120
	14	1	13	12,516	544,276

GOVERNING BODY.

Formation of the Governing Bodies.	Number of Boroughs.	Numbers in the Governing Bodies.	Number of Corporators.
Self-elected governing classes	40	491	751
Self-elected councils	6	267	3,582
Self-elected class, chosen from a council elected by the whole body of the corporation	1	13	217
Councils chosen by the whole body of the corporation	5	100	3,641
Councils, partly self-elected, partly chosen by the whole body, or by incorporated guilds (in two)	3	271	4,489
Partly nominated by patron, partly chosen by the corporation	1	6	58
Nominated by the sovereign, who is elected by the corporation	1	13	16
	57	1,161	12,754
The entire corporation, including freemen, govern in	9	. . .	251
	66		13,005
Particulars not stated in	5		
	71		

In 14 there are 2 classes in the select governing bodies, besides the annual officers.

CORPORATE OFFICERS.

Mayor.

The Mayor, or other head of the corporation is elected by

	Boroughs.
The self-elected governing body, from their own body	in 35
„ „ out of a class nominated by them	„ 7
The nomination of the "Patron," from three selected by the self-elected governing body from their own body	„ 1
The commonalty, from the self-elected governing body	„ 11
„ from three nominated by the self-elected governing body	„ 2
„ from five taken by lot out of a class chosen by the commonalty out of persons nominated by certain corporate officers	„ 1
„ from the commonalty	„ 7
„ from a class chosen by the commonalty	„ 2
„ from three previously chosen by the commonalty from themselves	„ 1
One portion of the governing body, from themselves, subject to the approval of the other portion	„ 1
	68
Not stated in	3
	71

Recorder.

		Boroughs.
The Recorder, having judicial functions, is appointed by		
The self-elected governing body	in	8
The whole corporation	„	7
The governing body, chosen in part by the freemen	„	2
The "Patron"	„	1
The Lord of the Manor	„	1
The Crown, on petition of the corporation	„	1
		—20
He is merely the town-clerk	„	14
There is no office of recorder	„	36
Not stated	„	1
		71

Town Clerk.

The Town Clerk is appointed by		
The governing body	in	23
The entire corporation	„	17
The chief magistrate	„	6
The "Patron"	„	3
		49
There is no office of town clerk	„	21
Not stated	„	1
		71

Magistrates.

There are 122 corporators borough Magistrates (besides, in two, an indefinite number of aldermen who have served the office of Mayor)	in	56
There are no corporators *ex officio* magistrates	„	14
Not stated	„	1
		71

Eight boroughs (cities and towns) are counties corporate of themselves.
In two of them the mayor is, *ex officio*, a magistrate of the adjoining county.
In two of them the mayor and recorder are *ex officio* magistrates of the adjoining county.
In eight of the other boroughs the mayor, or other head officer, is, *ex officio*, a magistrate for the county in which the borough is situate; and, in one, for the year after his year of office, also.
In three of these the recorder, also, is a county magistrate.
In one of them four of the aldermen, also, are county magistrates.

CRIMINAL JURISDICTION.

Besides the eight counties of cities and towns, three boroughs have exclusive Criminal Jurisdiction extending to the trial of

		Boroughs.
All offences	in	1
All offences (treason excepted)	„	1
Felonies (including murder, and crimes of lower degree)	„	1

CIVIL JURISDICTION.

Boroughs.	
4	have Civil Jurisdiction extending to the trial of all actions, (in one little resorted to.)
1	has civil jurisdiction extending to the trial of all actions, personal and mixed, ejectment and replevin excepted.
13	have civil jurisdiction extending to the trial of all personal actions, (in one not less than 40*s.* Ir.; in one little resorted to.)
2	have civil jurisdiction extending to the trial of all personal actions not exceeding £20 Ir.
1	has civil jurisdiction extending to the trial of all personal actions not exceeding £5 Ir. (little resorted to.)
7	have civil jurisdiction extending to the trial of all personal actions not exceeding £3 6*s.* 8*d.* Ir. (in two little resorted to.)
3	have civil jurisdiction extending to the trial of all personal actions not exceeding 40*s.* Ir.
31	
47	had civil jurisdictions of various extent, now disused.
In 16	no civil jurisdictions appear to have existed.
1	not stated.
95	

PROPERTY.

In	5	boroughs the annual revenue is			under	£20
	3	,,	,, above	£20 and	not exceeding	50
	5	,,	,,	50	,,	100
	10	,,	,,	100	,,	200
	3	,,	,,	200	,,	300
	2	,,	,,	300	,,	400
	1	,,	,,	400	,,	500
	2	,,	,,	500	,,	600
	1	,,	,,	600	,,	700
	1	,,	,,	700	,,	800
	1	,,	,,	900	,,	1,000
	1	,,	,,	1,000	,,	2,000
	1	,,	,,	2,000	,,	3,000
	2	,,	,,	4,000	,,	5,000
	1	,,	,,	6,000	,,	7,000
	1	,,	,,	7,000	,,	8,000
	1	,,	,,	20,000	,,	30,000
	41					
	30	there is no revenue.				
	71					

STATE OF ACCOUNTS.

	Towns Corporate.
The Accounts are regularly kept, audited, and published, either by being printed for distribution, audited publicly, or being open to the inspection of the freemen, in	12
,, kept and audited, but not published in	2
,, kept by an appointed officer, but neither audited nor published, in	12
,, ill-kept, inaccurate, or in a generally unsatisfactory state, not audited or published, or not kept, in	15
No accounts, because no revenue, in	30
Total	71

TABULAR VIEW OF THE INCOME, EXPENDITURE, AND DEBT.

	Circuits.	Number of Corporations included in the Abstracts.	Number of Corporations having Property.	Income. £	s.	d.	Expenditure. £	s.	d.	Number in Debt.	Debt. £	s.	d.
I.	Southern	9	4	7,833	18	1	7,342	5	9	4	10,448	15	6
II.	Midland	22	8	1,144	5	4¼	756	5	4¼	1	73	2	9
III.	Western	13	5	6,030	16	8	3,222	0	0(a)	2	Not ascertained.		
IV.	South Eastern	17	10	10,887	15	11¼	10,002	17	5	6	71,247	17	0
V.	North Eastern	15	8	5,820	19	11	4,967	19	11	3	18,537	8	5½
VI.	North Western	18	5	1,601	9	7½	782	2	0	4	34,856	6	0½
	Dublin	1	1	28,077	16	4	30,206	4	7½	1	———		(b)
	Totals	95	41	61,397	1	11	57,279	15	0¾	21			

(a) In one the revenues are received by the Court of Chancery.

(b) The Income and Expenditure of the Corporation of Dublin are here stated from the treasurer's account for 1834, and a new loan of £5,000, contracted and received in that year, is excluded from the income. The account does not set forth the amount of the principal of the debt; it mentions Interest on 4 per Cent City Bonds, £7,534 1*s.* 1½*d.*; Interest on New 6 per Cent. City Bonds, £673 6*s.* 10*d.*; Interest on Pipe-water Debentures, £1,600 16*s.* 0½*d.*; Total, £9,808 4*s.*: besides Interest on "Deferred Warrants," £232 1*s.* 3*d.*; and for "Tontine" £2,563 6*s.* 9*d.*: Total charge, £12,603 11*s. per annum.*

79

MUNICIPAL CORPORATIONS,
(IRELAND.)

APPENDIX

TO THE FIRST

REPORT

OF THE

COMMISSIONERS.

REPORT

ON

THE CITY OF DUBLIN.

PART I.

Presented to both Houses of Parliament by Command of His Majesty.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HIS MAJESTY'S STATIONERY OFFICE.
1835.

CONTENTS.

	Page
I. LIMITS	1
By Charter	1
By Boundary Act	1
By Police Act	1
Limits of Manorial Jurisdictions	2
Parishes	2
II. CHARTERS	2
New Rules	7
Statutes of Geo. II. and Geo. III.	7
Incorporated Guilds	7
III. CORPORATE BODY	7
Title	7
Classes and Officers	7
Election and Qualification of Officers and Members	8
Lord Mayor	8
Aldermen	11
Sheriffs	12
Common-council-men	13
Trial of controverted Elections	15
Recorder	15
Deputy Recorder	16
Coroners	16
President of the Court of Conscience	16
Town Clerks	16
Marshal	16
Water Bailiffs	16
Sergeants at Mace	16
Register of Lord Mayor's Court	16
Register of Court of Conscience	16
Bailiffs of Court of Conscience	16
Crier	16
Governor of Newgate and Keeper of City Marshalsea	16
Keeper of Sheriffs' Prison	16
Treasurer	16
Other Ministerial Officers	16
Clerks of the Markets	16
Inspector of the Hay Market	16
Clerks of the Hay Market	16
Weighmasters of Butter Crane	16
Weighmaster of the Green Hide Crane	17
Masters of Works, and Officers of Pipe-Water Establishment	17
Freemen, classes of	17
Freemen of City at large	17
Fees	18
Freemen from the Guilds	18
Fees	18
Numbers and condition of the Freemen	19
No Roman Catholics admitted	19
Governing Body	19
Board of Aldermen	19
Commons	19
Assemblies, and Course of Business	19
Abstract	20
How dissolved	20
Post Assemblies	20
Acts of Assembly	20
Committees	20
Functions and Emoluments of Officers	21
Lord Mayor	21
Aldermen	23
Sheriffs	25
Sheriffs' Office, Officers in	25
Fees in	26
Juries	27
Term Grand Juries	27
Quarter Sessions Grand Juries	28
Special Juries, Valuation Juries, &c.	28, 29
Emoluments	29
Common-council-men	29
Recorder	30
In the Court of Quarter Sessions	30
In the Civil Bill Court	31
In the Lord Mayor and Sheriffs' Court	31
Coroners	31
President of the Court of Conscience	31
Town-Clerks	32
As Town-Clerks	32
As Prothonotaries of Lord Mayor and Sheriffs' Court	32
As Clerks of the Peace and Clerks of the Crown	32
Marshal	36
As Marshal	36
As Register of Pawnbrokers	36
As Auctioneer of Pledges	37
Water Bailiffs	38
Sergeants at Mace	39
Secretary to the Lord Mayor	39
Register of the Lord Mayor's Court	40
Register of the Court of Conscience	40
Bailiffs of the Court of Conscience	40
Crier of Court of Quarter Sessions	40
Governor of Newgate	40
Keeper of the Sheriffs' Prison	40
Keeper of the Marshalsea	40
Treasurer	41
Accountant	42
Architect	42
Surveyor	42
Law Agents	42
High Constable	42
Swordbearer	42
Macebearer	43
Clerks of the Commons	43
Chaplain	43
Beadles	43
Staffmen	43
Deputy Clerks of the Markets	43
Other Officers connected with the Markets	44
Officers connected with the Pipe-Water Establishment	44
Freemen, Privileges of	44
IV. JURISDICTION	44
Criminal Jurisdiction	44
Court of Quarter Sessions	45
Judges of	45
Jurisdiction	45
Practice of Sittings	45
Number of Cases	46
Juries	46
Summoner of Witnesses	46
Fines	47
Observations	47
Rotation, or Crown Office	47
Police Offiices	47
Lord Mayor's Court	47
Civil Jurisdiction	49
Lord Mayor and Sheriffs' Court	49
Amount of Jurisdiction	49
Judges	49
Times of Sitting	49
Motions in Chamber	49
Prothonotary	49
Process	49
Action	49
Attachment	49
Return Days	49
Foreign Attachment	49
Practice	50
Rules	50
Removal of Causes	50
Privilege of a Freeman	50
Costs, by whom taxed	50
Fees reduced	50
Attorneys	50
Costs to Execution	50
New Trials	51
Ejectments and Replevins	51
Present Scale of Costs and Fees	51
Trial and Judgment *instanter*	51
Record Sittings	51
Fees of the Sergeants at Mace	51
Civil Bill Court	51
Court of Conscience	52
Judges and Officers	52
Times of Sitting	52
Corporate Claims	52
Appeal	52
Practice	52
Increase of Fees	53
Summons	53
Service of	53
Abuses in	53
Hearing	53
Warrant	53
Fees	53
Imprisonment	53
Rehearings	54
Dismiss	54
Splitting Causes of Action	54
Coal Meters' case	54
Suits against the Bailiffs	54
No Court Books	54
Register's Fees	55
Attorneys	55

	Page
Observations	55
GAOLS	55
General Superintendence of	55
Newgate	55
Sheriffs' Prison	57
City Marshalsea	58
Smithfield Penitentiary	59
Richmond Bridewell	69
Expenses of Prisons and Prisoners	60
V. MUNICIPAL REGULATIONS	61
POLICE	61
Statutes relative to the Watch and Police	61
Police District of Dublin Metropolis	61
Divisional Justices	61
Receiver of the Public Offices	62
Offices of Police	62
Clerks	62
Office Constables	62
Peace Officers	62
Patrolling Constables	62
Pensions	63
Nightly Watch	63
Police and Watch Establishments	63, 64
Jurisdiction	64
Observations	65
Police and Watch Funds	66
Watch Tax	66
Carriage Tax	67
——— Fines	68
Pawnbrokers' Licences	69
Publicans' Licences	69
Other Licences	69
Fines and Fees at Divisional Offices	69
Parliamentary Grants	70
Heads of Expenditure	70
Buildings	70
Law Expenses	70
Hue and Cry	70
Accounts and Receiver	71
Duties of Receiver as to Bridewells	71
Recent Act as to Licences	72
PAVING AND CLEANSING, LIGHTING AND IMPROVING	72
Original obligation of the Corporation of Dublin	72
History of the Trusts	73
Paving and Cleansing	73
Watering the Streets	74
Composition with the Corporation of Dublin for certain Pavements	74
Cleansing	74
Lighting	74
Management of the Paving, Cleansing, and Lighting, &c. consolidated	75
Second composition with the Corporation of Dublin for certain Pavements	75
Public Fountains	75
Composition with the Corporation of Dublin for the Cleansing of the City	75
Composition with the Corporation of Dublin for certain Lights	76
Agreement of the Corporation of Dublin to supply Water	76
Acts now in force	76
Local Limits of the Jurisdiction	76
Constitution of the Board of Commissioners	77
Summary of their Powers	77
Lists of Commissioners from 1807	78
Former Mismanagement	78
Commission of Inquiry and Report in 1826	78
The present Board	78
Improvements effected	78
Maximum rate of Taxation maintained	78
Exceptions	79
Returns of Income and Expenditure	80, 81
Income	82
Compositions by the Corporation of Dublin	82
For Paving	82
Lighting	82
Cleansing	82
General Paving and Lighting Tax	83
Rate by Square Measure	85
Rate by Linear Measure	85
Practice of the Commissioners in imposing Rates	85
Applotting	85
Deductions and Exemptions	85
Collection	86
Watering Tax	86
Taxes for "Private Works chargeable"	86
Fines, Sales of Scavenging Soil, and Miscellaneous Receipts	87
Expenditure on the Establishment	88
Annuities	88
Salaries of Officers to be appointed by the Lord Lieutenant	88
Of Officers to be appointed by the Commissioners	90
Returns of Officers, their Duties, &c.	93
Incidental Expenses	96
Expenditure on the Establishment	96
Expenditure on the Works	97
Accounts	98
Audit by Imprest Commissioners	98
Observations	98
Liberty Fountains, &c.	99
GRAND JURY TAXATION	99
Sessions Grand Juries	100
Term Grand Juries	101
Extent of their controlling Power	101
Public Works	101
Causes of Increase of Taxation	102
Officers of Grand Jury	102
Treasurer	103
Secretary	103
Inspector of Accounts	103
Collectors of City Rates	103
Presentments to other Officers	104
Salaries of Officers	105
Presentments for other Purposes	105
Amount of all Presentments	105
Taxes, how levied	106
Solvent and Insolvent Arrears	107
Minister's Money a defective Test	107
Parts of County within Circular Road exempt	107
Money, how kept, disbursed, and accounted for	107
Power of traversing Presentments	108
Annual Amount for 4 years	108
COMMISSIONERS OF WIDE STREETS	108
Statutes relating to	108
Number of Commissioners	111
Qualifications	111
Meetings of the Board	111
Officers	111
Secretary	111
Clerks	111
Engineer	111
Treasurer	111
Law Agent	111
Costs	111
Payments to Jurors	112
Funds	112
Rents	112
Balance of Coal Duty	112
Wide Street Tax	112
Expenditure	113
Debt	115
VALUATION OF THE CITY for Local Taxation	116
Minister's Money	116
New Valuation	116

COUNTY OF THE CITY OF DUBLIN.

I. LIMITS.

1. THE City of Dublin is a County of itself: its limits have continued without material alteration for several centuries. LIMITS.

They are defined in one of its earliest charters, granted by John Earl of Morton and Lord of Ireland, A. D. 1192, and are therein referred to as "the boundaries perambulated on the oaths of honest men of the city itself, by the precept of King Henry his father." The same limits are confirmed to the citizens by a subsequent charter of John, when king of England, in the year 1200. They are also the subject of an inquisition taken by perambulation in the first year of Edward III., A. D. 1308, and the forms of "riding the franchises" in later years are extant, in which the course of perambulation is fully detailed. By Charter.

By an Act passed in the second year of Henry VII., not printed in the Statute Book, but given in the Appendix to Mr. Lynch's work on the Law of Election in the Ancient Cities and Towns of Ireland, the townland of Little Cabragh, in the county of Dublin, was made part of the franchises of the city of Dublin.

The boundaries of the city were not until lately defined with sufficient accuracy for many practical purposes. The uncertainties relating to them occasioned the introduction of a Bill into the Irish House of Commons in 1713, to have them ascertained with more precision; but it did not pass into a law. However, in the year 1787, the 17, 18 Geo. III. c. 47, was enacted. This statute enabled the lord chancellor to issue a commission of perambulation, to ascertain the boundaries between the county of the city of Dublin and certain parts of the county of Dublin; and in the year 1793, by the 65th section of the 33 George III. c. 56, the chancellor was further empowered to issue a similar commission to ascertain the mears and boundaries between the county of the city and "any adjoining county." The county of Dublin is the only county adjoining that of the city. The same section recites that a commission was then actually depending.

Charges are made in the grand jury presentment-sheets of the period, for defraying the expenses of the commission, as authorized by the Acts, and copies of inquisitions taken under it are among the records of the corporation. They are also noticed in a subsequent Act, 54 Geo. III. Loc. & Pers. cap. ccxxii., for ascertaining the boundaries of the parish of St. Mary.

There is a map, in the city grand jury room, of "the boundaries of the county of the city of Dublin, as ascertained by the commissioners of perambulation." It bears date in the year 1807, and being ordered by the grand jury, and made by the city surveyor, may be looked upon as an authentic document.

The limits of the county of the city, so ascertained, extend on the east as far as the Black Rock, a village distant about five statute miles from what may be considered the centre of the city, as built upon, and include a narrow strip of land along the south-western shore of the bay of Dublin. In the south-west and northern directions they run very irregularly, varying in distance from the same imaginary point, from somewhat more than a quarter of a mile to two miles and a half. On the north-east they extend to Ballybough Bridge, where they again meet the shore of the bay, and are continued along it beyond Clontarf. The limits are said to embrace such portions of the shore as are included within the utmost distance to which a man on horseback can, at low water, throw a dart into the sea.

These limits are perambulated, triennially, by the lord mayor and other corporate authorities, and the ceremony of "throwing the dart" performed at different points, to mark the boundary.

The limits of the county of the city differ very considerably from those of the modern city of Dublin. The large parish of St. George, comprising one of the wealthiest districts, and part of the parish of Grange Gorman, to the north of the River Liffey; parts of the parishes of St. James's, St. Catherine's, and St. Nicholas without, the entire of St. Luke's, and part of the wealthy parish of St. Peter, to the south; including streets forming continuous portions of the city, and containing nearly a sixth of its entire population, are outside the limits of the corporate jurisdiction, while the villages of Donnybrook and Clonskeagh, and part of the Black Rock, at a considerable distance from the city, are within them.

2. All the portions of the foregoing parishes, which lie within the road called "the Circular Road," are, for the purposes of the elective franchise, included within the city by the Boundary Act, but there are a few streets outside the Circular Road still without the city, and deemed for all purposes in the county of Dublin. By Boundary Act.

3. The present lines of boundary between the city and county of Dublin, as perambulated, are very irregular and inconvenient; in some places passing through private dwelling-houses and gardens, and generally, more or less unequally, intersecting the public streets. The difficulties, incidental to this state of things, in the administration of criminal justice, have been remedied by the 57th section of the Dublin Police Act, 48 Geo. III. c. 140, which enacts, that all treasons, felonies, misdemeanours, crimes, and offences, done or committed in any place situate in, or upon, any part of the Circular Road, or in any place within the limits By Police Act.

LIMITS.

circumscribed by that road, shall be prosecuted and tried in the same courts, in all respects, as if committed within the county of the city of Dublin, and shall be laid in any indictment to have been committed within the county of the city of Dublin, and that the Circular Road, and all places lying within it, shall be, and be deemed and taken to be, part of the county of the city as to the prosecution, apprehension, and trial of all persons charged with such crimes or offences.

The 58th section of the same Act makes the wall of the Phœnix Park the boundary, in place of the Circular Road, in that part where the road is interrupted by that wall. This occurs for a short space on the west side of the boundary.

Limits of Manorial Jurisdictions.

4. There have been controversies, from a very early period, between the officers of the corporation and the lords and seneschals of the several manorial jurisdictions, which exist in part within the city limits, as to their respective boundaries and powers. These disputes are still unsettled, and are productive of public inconvenience in some parts of the city. They are again noticed in the branch of this Report which relates to those jurisdictions.

Parishes.

5. The following parishes and parts of parishes are comprised within the limits of the county of the city:—

St. Andrew,	St. Mark,
Anne,	Michael,
Audeon,	Michans,
Bridget,	Nicholas within,
Catherine, (part of)	Paul,
Grange Gorman, (part of)	Peter, (part of)
James, (part of)	Thomas,
John,	Werburgh,

and the deaneries of Christ Church and St. Patrick.

We subjoin the "metes and bounds" from the charter of King John (note 1), and the form of riding the franchises, as printed for the city authorities (note 2):—

II. CHARTERS.

CHARTERS.

6. The Charters granted to the city of Dublin are very numerous, and date from the invasion of Ireland in the reign of Henry II. There is not evidence of the existence of municipal authorities previous to that event; but the corporation claims a title by prescription, and has frequently relied on it in practice. Their charters, from the earliest period, are well preserved in the custody of the town-clerks in the city treasury.

Henry II.

7. The first charter is a grant by Henry II., made at Dublin, but without date (1172 or 1173), to the men of Bristol, of his city of Dublin, to inhabit and hold of him and his heirs, with all liberties and free customs which the men of Bristol had at Bristol, and through all his territory. This grant was confirmed by John, when Lord of Ireland, in the lifetime of his father.

Note (1.) "Ex parte orientali de Dublin & Australi parte pasturam q. durat usq. ad portam ecclie sci. Keyvini & sic p. viam usq. ad Kilmerekaregan & sic p. divisam terre Dunebrock usq. ad Dother & de Dother usq. ad mare scilicet ad Clarade juxta mare ad Rennynelan in occidentali parte de Dublin ab ecclia sci. Patricii p. vallem usq. ad Karnaniloneginethe & exinde usq. ad divisam terre de Kilmenan & ultra aquam de Kilmenan juxta Avenelith usq. ad vada de Kilmehanok & ultra aquam de Avenelith vsus Boream p. Enocneganuhoc & deinde usq. ad orea sce. Trinitatis & de oreis illis usq. ad furcas & sic p. divisam int. Clunlith & Crinan usq. ad Tolekan & deinde usq. ad eccliam sce. Marie de Housmanby."

Note (2.) *A Survey of the City Liberties.*

Beginning at the old Custom-house, you go down Essex Street and Temple Bar, to the east end of Lazer's Hill.

From thence across the strand to Ringsend.

From thence to the watermark where the dart is thrown.

From thence southward to the Black Rock*.

From thence westward to the corner of Merrion Church-yard*.

From thence round the south wall of said Church-yard to the west, and through the fields to the west end of Mr. Connolly's garden, and in front of his house on to Lady's Well, on to Simmon's Court, rear of the offices, into the road, near the old castle.

From thence southward by a great ditch to the old road to Bray, and along the same till it crosses the present road to Bray, and along by the south-east boundary of the Half-moon Field, to the south corner of the weir in the river Dodder, along said river to the bridge of Clonskeagh, and under the eastmost arch thereof to the mill of Clonskeagh, and through said mill.

From thence to the end of a lane*, called Clonskeagh Lane, and along said lane to Miltown Road, along said road northward near the house of John Rivett, and through gardens to the Swan Water, and along the Swan Water to Donnybrook Road, and along said road northward to the front of the toll-house, and across the canal by an old watercourse into Leeson Street, and along Leeson Street to the south side of Mr. James Moran's house, No. 5, south-west side of Leeson Street.

From thence, between the houses of Mr. Moran, No. 5, and Mr. Thomas Byrne, No. 6, to Lord Clonmel's lawn, by the wall of said lawn at the rear of St. Stephen's Green to north side of Counsellor Driscoll's house, No. 17, Harcourt Street.

From thence across Harcourt Street to Counsellor Sankey's house, and by the rear of the

Note.—Where this * appears a Court is called.

We are not aware of any privileges now exercised or claimed expressly under the authority of this charter; but the citizens of Dublin appear occasionally to have inquired respecting particular customs used in Bristol, and to have received certificates of them from the authorities of that city. We have found instances of this in the 34th Edward III., respecting the exemption of the Templars and Hospitallers of St. John of Jerusalem from tolls, and, in the 7th Charles I., respecting certain duties on merchandizes imported.

In a claim of cognizance of pleas made in the reign of Richard II., and hereinafter noticed, this charter of Henry II. and the liberties of Bristol are relied on; another charter of Henry II. is relied on in this claim of cognizance, but its date does not appear. It is the same charter which is published in Leland's History of Ireland, vol. i. p. 81, from the Sterne manuscripts, and by which King Henry granted to his burgesses of Dublin that they should be quit of toll, and passage, and pontage, and all customs through his whole land of England and Normandy, Wales and Ireland, wheresoever they and their goods should come; and should have all their liberties, and acquittances, and free customs fully and honourably as his free and faithful men, and that no one should disturb them in those things contrary to that charter on pain of £10.

8. In the third year of the reign of Richard I., 1192, John, then Lord of Ireland and Earl of Morton, granted to the citizens of Dublin remaining ("manentibus") as well outside as within the walls, the charter defining their boundaries before alluded to in section 1. This charter further grants to the citizens certain liberties and free customs, many of which relate to usages long obsolete; some of them are still deserving of notice. It declares, among other privileges, that the citizens may be quit of toll, lastage, passage, pontage, and all other customs through John's whole land and dominion. They are empowered to distrain their debtors by their chattels in Dublin (a power now exercised by the process of attachment from the City Record Court, and stated to be founded on this charter), and to hold pleas, according to the custom of the city, of debts lent in the city, and pledges there given. It declares that the citizens may have all their reasonable guilds, as the burgesses of Bristol had or were accustomed to have. It grants to them all the tenures within and without the walls to the aforesaid boundaries, to dispose of at their pleasure, by the common assent of the city, in messuages, and to hold them in free burgage, and liberty of building on the sea-shore, and grants to them all lands and waste places contained within those boundaries, excepting, however, the tenures and lands of all who held them by charter beyond the wall to the aforesaid boundaries. John, Earl of Morton.

9. By a charter of the 7th November, in the second year of his reign (1200), John, then King of England, granted to the citizens, in the same words, the boundaries and privileges contained in the last-mentioned charter, with the additional grant of a moiety of the river King John.

---

south side of Protestant Row to Kevin's Port*, through the gateway of Mr. Jackson's new houses.

From thence along the middle of Redmond's Hill to near the corner of Bishop Street, along the rear of the south side of Bishop Street to Kevin Street, and, taking in the house at the corner of Kevin Street and Bride Street, along Bride Street to the corner of Bull Alley, and, taking in Mr. Stephens's house, corner of Bull Alley, along Bell Alley to the west side of Mr. Unthank's timber-yard, and by the said timber-yard across Goodman's Lane, and along Walker's Alley to Patrick Street, turns southward along Patrick Street about four perches, then turns westward, and along the rear of the houses in Patrick Street to the Poddle.

From thence, along the Poddle and Coombe, across several houses south thereof, and on to Byrne's Hill. From thence along the watercourse, and across Marrowbone Lane to Dipping Bridge, along Dolphin's Barn Lane and the city watercourse to the south corner of Dolphin's Barn *.

From thence under Dolphin's Barn Bridge across the Circular Road, and by the Commons across the Grand Canal to Cutthroat Lane* on to Bow Bridge, under the centre arch thereof, and along the river to the River Liffey, then turns westward along the south of the River Liffey, and, taking in part of the Artillery Barrack, crosses the Liffey to the large round stone* in Sir William Worthington's ground, south of Conyngham Road.

From thence along Conyngham Road to the Park Gate, cross from it to the end of Montpellier Hill, and along the rears of the gardens north side of Montpellier Hill, through several gardens at the rear of Arbour Hill, to No. 23 in Stoney Batter *, being the south end of Manor Street. From thence to a big tree near Lord Norbury's gate, Cabra *.

From thence, through the middle of the house with the sign of the Sheaf of Wheat, to Grange Gorman Lane *.

From thence, between Nos. 9 and 10, Grange Gorman Lane, to the south end of Constitution Hill and north end of Church Street, and along Constitution Hill to the Broad Stone *.

From thence, along the Bradogue River to the Hole in the Wall, and thence to the northward by the end of the New Basin into White's Lane, and so on to Dorset Street *.

From thence turns southward along Dorset Street to the end of North Frederick Street and Cavendish Row to Great Britain Street.

From thence, along Great Britain Street, Summer Hill, and Ballybough Bridge, to the sheds of Clontarf, and on to the mill of Raheny now in ruins *.

From thence, further northward, one hundred and thirty perches to a little brook *.

And from thence across the Strand, outside the Lighthouse, to intersect where the dart is thrown.

CHARTERS.

Liffey (Avenalithe) for fishing: this charter confirms all the privileges, &c. granted by John when Earl of Morton. A charter is enrolled (Rot. Pat. 38 Hen. VIII., M. 2) by King John, without date, granting to the citizens of Dublin certain privileges against foreign merchants, and that they may have their reasonable guilds as the burgesses of Bristol.

Henry III.

10. It is one of the articles of the great charter of Ireland, granted by Henry III. in the first year of his reign, that the city of Dublin shall have all its ancient liberties and free customs. The same monarch, in the thirteenth year of his reign (1229), granted three charters to the citizens of Dublin. By the first, dated the 14th June in that year, he gave to them the city of Dublin, with the provostship in fee-farm, and that part of the water of the Liffey which belonged to them, together with the part of the same river which belonged to the king, except certain boat-fishings and mill-sites, rendering to the king and his heirs at the Exchequer 200 marks a-year. He confirmed to them the customs and liberties granted by Henry II. and John, reserving pleas of the Crown and prisage of wines, and granted to them leave to hold a fair every year for fifteen days, beginning at the vigil of the Invocation of the Holy Cross, reserving two days to the Archbishop of Dublin. Portions of the fee-farm rent reserved in this charter were at various times granted by the Crown to individuals to be expended in aid of the fortifications of the city; and in the fifteenth year of Edward IV. part of it was applied by Act of Parliament to the same purpose. Arrears of it were occasionally remitted, and it was finally reduced by the grant of 18 Charles II. afterwards noticed.

Mayor first created.

The two other charters of Henry III. are dated on the 15th June in the same year; one of them gave the citizens of Dublin power to elect a Mayor annually from themselves, and at the end of the year to continue him or substitute another, so that he be presented to the king or his justiciary of Ireland, and swear fealty to him: the other charter of this date is in the same words as the second charter of Henry II., above noticed, and refers to it. The chief officer of the city, previously to this year, was called provost, and it is stated, in the claim of cognizance already alluded to, that there were provosts in the city from the time of the conquest of Ireland.

Edward II.

11. The grants of Edward II. consist of a confirmation, in the tenth year of his reign (1316), of the charter of King John; a release to the mayor and commons of 600*l.* due by them for several ancient debts to the Crown; a pardon to the mayor and bailiffs for taking without leave of the king 4*d.* for every "crannock" of corn coming to the city; and a grant of leave to take such toll for a short period. The three last are dated on the same day (the 8th September, in the eleventh year of Edward II.), and the first of them states the consideration of it to be the good service of the mayor and commons to the king, and the labour and expense they were put to at his command about the repair of the walls and custody of the city. There is also a charter of this monarch, in the twelfth year of his reign, prohibiting some exactions, of the king's officers and others, in the houses of the citizens.

Edward III.

12. Edward III., in the first year of his reign, confirmed the charter of John, and at the instance of the mayor, bailiffs, and commonalty of the city, in the same year (1327), commanded his justiciary of Ireland to cause the liberties granted to the city by former monarchs to be observed. Edward III., also, in the eighth year of his reign, in consideration of their acceptable and laudable services recited in the charter, granted to the mayor and citizens many privileges, most of which, relating to juries and inquisitions, have long fallen into disuse. Those deserving of notice are, a grant that the mayor and citizens, their heirs and successors, may have the assize of bread and beer, and the custody and assay of measures and weights, and all other matters appertaining to the office of the market, and that all profits from the assize and assay may belong to the mayor and citizens in aid of the city revenue. This charter also grants to the mayor and citizens freedom from murage, pavage, pontage, passage, and quayage, and all other such customs, for their merchandizes and effects, throughout the kingdom and land of Ireland, and the king's dominions. There are extant several temporary murage and pavage grants by Edward II. and III.

By a further charter, dated the 22d November, in the 37 Edward III. (1363), that monarch confirmed the charters of King John, and his own charter, which we have just stated, and granted to the citizens certain liberties and privileges previously granted to the cities of Waterford and Cork, and town of Drogheda. Power to the mayor to swear-in his successor in the absence of the Lord Lieutenant and of the Barons of the Exchequer; the return of all writs of matters arising within the city and suburbs; and exemption from being empannelled on juries without the city or suburbs while resident therein, or impleaded without the walls of the city; with power to the mayor and bailiffs to hold pleas as well for tenures within the city, suburbs, and liberties, as of trespasses, covenants, and contracts there arising, are among the privileges conferred by this charter. Exclusive jurisdictions are given to the mayor, bailiffs, and commons of the city. This charter also contains regulations as to foreign merchants, and grants of mercantile privileges to the citizens, which have long been obsolete.

Richard II.

13. Richard II. in the second and eighteenth years of his reign confirmed many of the foregoing charters.

Claim of Cognizance.

14. In the fourth year of Richard II. (1380), the Cognizance of Pleas given by the preceding charters was claimed by the mayor and commons of the city, who relied on a prescriptive right to such cognizance from time immemorial; they also relied on the charters of Henry II., the privileges of Bristol, the several charters of John and Henry III., a charter of confirmation of Edward I., without date, the charter of confirmation of Edward II., a charter of 26 Edward III., containing similar privileges to those conferred by his charter of the thirty-seventh year of his reign, already stated, and on an Act of the Parliament of England in the first year of

Edward III. They also set forth a record of a similar claim allowed on a writ of right brought for lands within the precincts of the city, before the justices of the bench, in the thirteenth year of Edward II., and which appears to have been founded on prescriptive usage confirmed by the charters of the kings of England.

Richard II., by writ to his Lieutenant of Ireland, ordered the claim to be allowed.

15. The charters of John and Edward III. were confirmed by Henry IV. in the second year of his reign (1400), who also in the fourth of his reign granted that the mayor and his successors might have a sword borne before them as the mayor of London had. Henry IV.

16. Henry V., by a charter of the seventh year of his reign (1419), granted that the mayor and bailiffs for the time being should be justices of the peace and justices of labourers, with non-intromittant clauses against any other justices; that the mayor should be escheator and clerk of the market, and that the mayor and commonalty should, in support of the fee-farm of the city, have all lands, tenements, &c. forfeited as escheats within the city. This charter also contains grants of waifs, wrecks, felons' goods, fines for escapes of felons, and other forfeitures. Henry V.

17. The charters of John, Edward III., and Henry V., were confirmed by Henry VI., in the fifth, and again in the twentieth, years of his reign, and in the first Henry VI. the charter of confirmation of 2 Henry IV. was approved and confirmed by the king, by the advice and assent of the Parliament of England. Henry VI.

18. In the first year of Edward IV. (1461) the charters of John, Edward III., and Henry V., were approved and confirmed by that monarch and the Parliament of Ireland, held at Naas, in that year. Edward IV.

19. Richard III., in the second year of his reign (1484), created the mayor and recorder justices of Oyer and Terminer, and gaol delivery, within the city, its suburbs and franchises, as well by land as by sea, and on the fresh water, with liberty to have and keep the city gaol. Richard III.

20. This charter of Richard III., with those of Edward III., Edward II.,and John, were confirmed by Henry VIII. In the thirtieth year of his reign (1538) Henry VIII., in consideration of their services in defending the city against the rebellion of Thomas Fitzgerald, granted to the mayor, bailiffs, citizens, and commons, the site and estates of the dissolved priory of All Saints, in the counties of Dublin, Meath, Kildare, Louth, Tipperary, and Kilkenny, and elsewhere in Ireland, at the yearly rent of 4*l.* 4*s.* 0¾*d.*, and released them for ever, for the amendment, fortifying, and supporting the city, from the sum of 69*l.* 6*s.* 8*d.* part of the 200 marks a-year reserved by the charter of the 13 Henry III. Henry VIII.

A considerable portion of the present estate of the corporation is held under this grant.

21. Edward VI., in the second year of his reign (1548), confirmed the charter of Henry VIII. and the grant of the priory of All Saints. Edward VI.

He also in the same year granted to the mayor, bailiffs, commons, and citizens a new charter of incorporation, creating the City and its suburbs and liberties a County of itself, by its present name of the County of the City of Dublin, and constituting the Sheriffs successors to the bailiffs in their corporate capacity. The sheriffs are empowered to hold their county courts on Tuesday, from month to month, and all former liberties, &c. are confirmed to the corporation. County of the City first created, and Sheriffs.

22. In the first and second Philip and Mary, the last-mentioned charter of Edward VI. was confirmed, and a confirmation and explanation made of the grants of escheats contained in the charter of the 7 Henry V., before noticed. Philip and Mary.

23. Elizabeth, in the eleventh year of her reign (1568), granted to the corporation, in fee-farm, several tenements, parts of the possessions of the dissolved monasteries of the Virgin Mary, and Saint Thomas the Martyr, or Thomas Court, at the yearly rent of 40*l.*, and a fine of 80*l.* every 21st year. Elizabeth.

And in the twenty-fourth (1581) confirmed the charter of Edward VI., and all former grants made by the kings of England, to the mayor, sheriffs, commons, and citizens, or their predecessors, and granted to them the office of Admiralty, wheresoever the sheriffs of the city might lawfully receive custom between Arklow and Nanny Water (limits comprising several miles of sea-coast), the jurisdiction and authority of Admiral to belong to the mayor for the time being. This grant also confers some commercial exemptions and privileges not now of importance.

24. By a charter in the seventeenth year of Charles I. (1641), reciting the charters of second Richard III. and second Edward VI., already noticed, and that the mayor, bailiffs, commons, and citizens had from time immemorial, by long and usual custom, elected twenty-four of the commons and citizens to be aldermen; this monarch granted that the mayor, recorder, and six senior aldermen who had served the office of mayor, should be justices of the peace within the city, and that they or any four of them, of whom the mayor or recorder should be one, should be justices of Oyer and Terminer and gaol delivery. This charter gives to the mayor and aldermen, or the major part of them, the government of the house of correction, and the appointment of the governor, and confers on the mayor the title of lord, and on his wife that of lady. Charles I.

The same monarch, in the fifteenth year of his reign, regranted to the corporation the estates of the dissolved monasteries of the Virgin Mary and St. Thomas, which had been given by Queen Elizabeth, as already mentioned, with some other denominations; considerable parts of the city estates are derived under these grants; the rent reserved by the grant of Charles is 32*l.* 10*s.*, and no mention is made of any fine.

CHARTERS.

Charles II.

25. Charles II., in the thirteenth year of his reign (1661), granted to the mayor of the city the honorary privileges of having a cap of maintenance worn before him, as the mayor of London had, and wearing a collar of S. S. He also, in the fourteenth year of his reign, granted to the mayor the office and command, establishment and pay, of a captain of a company of foot; and, in the seventeenth, granted to the mayor, sheriffs, commons, and citizens the ferry over the Liffey, with power to take a fee of a halfpenny of every passenger.

In this last year, Charles II. also granted to the mayor, sheriffs, commons, and citizens an annuity of 500*l.* per annum for ever, charged on the certain and casual revenues of Ireland; and, in the eighteenth, reduced the several fee-farm rents, payable by the city, and then stated to amount to 69*l.* 18*s.* 11¼*d.* to 20*l.* a-year. Among these rents are mentioned a rent of 7*s.* 6*d.* for the custom called the Tollboll, and a chief rent of 2*s.* 6*d.* out of the Tholsel.

In the twenty-third year of his reign Charles II. granted the charter of the Blue Coat Hospital, afterwards stated in the part of this Report relating to that charity.

Grant of Customs.

By letters patent, dated 4th September, 28 Charles II. (1676), this monarch granted and confirmed to the lord mayor, sheriffs, commons, and citizens, the customs called the customs of the gates for things brought into the city or suburbs, there to be exposed to sale, and also for such things as should be carried out of the city. These letters, alluding to the murage and pavage grants already noticed, recite that several of the kings and queens of England had been pleased to grant to them charters for taking those customs of the gates for the portage, murage, and pavage of the city, and that doubts had then lately arisen of the validity of those charters. They contain a proviso, that the profits of the customs for seven years should be disposed of to such public uses for the benefit of the corporation as the Lord Lieutenant of Ireland thought fit.

The Earl of Essex, then lord lieutenant, and the Privy Council, accordingly appointed that for the period of seven years 100*l.* per annum should be disposed, out of the profits of the customs, to the repairs of the old stone bridge and the then new bridge, and such other necessary uses, or work in and about the city and suburbs, as the lord mayor, aldermen, and sheriffs might think fit; and that the remains of the profits for that period should be applied towards erecting a new bridge from the land, near the then custom-house, on the south side of the Liffey, to the land of St. Mary's Abbey, on the north (the site of the present Essex Bridge).

George II.

26. Except the charters of James II., presently noticed, the only remaining royal grants of importance we have found made to the city of Dublin are by George II., who, in the first year of his reign, on the petition of the lord mayor, sheriffs, commons and citizens, added to the justices of the peace all aldermen who had served the office of mayor, or been excused from serving it on payment of a fine; and, in the thirteenth, granted to the corporation authority to hold a free market for corn every Monday and Thursday weekly, and to take to their own use the tolls and customs of the market.

James II.

27. The charter of James II. bears date the 27th October, in the third year of his reign. It is not recognised by the corporation, though said to have been once pleaded by their town-clerk. In his attempts to remodel the corporations in England and Ireland, King James proceeded by writs of *quo warranto* against several of them, including that of Dublin, and, as might be expected in that distracted reign, no successful opposition appears to have been given at the time. Those writs were brought in the Court of Exchequer, and, although followed by judgment, seizing all the liberties and franchises of the corporations into the king's hands, it is plain from the decision of the House of Lords, in the case of Drogheda (Rex v. Peppard, 2 Brown's Parliamentary Cases, 321), that the judgments were void, and, that unless followed by actual and full acceptance by the corporations, the charters founded on those judgments have no operation. It is remarkable that the statute of the Parliament of England (1 William and Mary, sess. 2, c. 9), declaring void the proceedings against the Irish corporations, and the new charters granted in Ireland by James II., never received the sanction of the Irish legislature; but we do not consider this circumstance as materially affecting the consideration of the present question. And though, for a brief period during the reign of James II., acted on by the individuals named in it as corporate officers, and still preserved among the archives of the corporation, and some parts of the modern practice are conformable to its provisions, we think that this charter cannot be considered to have now any validity, or to have been in fact operative since the Revolution.

It seems therefore unnecessary to detail its provisions, which are very comprehensive and minute, containing some of the regulations of previous charters and ordinances, apparently derived from the then constitution of the body corporate, as to the number and mode of election of corporate officers, and members of the corporation, with others introducing new members, such as free burgesses, and regulations which are not known to the present constitution: we think it sufficient to observe, that every trace of popular principles was carefully excluded from the plan of municipal government proposed by this charter, the whole governing power being vested in a council, consisting of the mayor, twenty-four aldermen, and forty-eight free burgesses; the aldermen and free burgesses holding for life, and all vacancies in its members being supplied by self-election of the council; even the elective franchise in returning members to Parliament was confined to the select body. The power of making freemen of the corporation and its guilds was limited to them, and a discretionary power of removing the mayor, recorder, aldermen, free burgesses, and other officers, was vested in the Lord Lieutenant and Privy Council of Ireland. This charter is printed in the Appendix to the Report of the Committee of the House of Commons in 1823 on the local taxation of Dublin.

28. On a consideration of the several charters we have noticed, and the numerous arrange-

CHARTERS.

ments and details of the corporation of the city of Dublin, it cannot be said that there is any governing Charter. In fact, the present constitution is founded partly on the provisions of several of them, partly on usage and ancient customs, partly on the New Rules made in the 25 Charles II., and principally on the enactments of the Statutes 33 Geo. II. c. 16, and 11, 12 Geo. III. c. 1, which will be separately noticed in the course of this Report in connexion with the particulars to which they relate. Numerous patents of inspeximus of the charters, by successive monarchs, are among the records of the corporation, which we have thought it unnecessary to particularize.

New Rules.

Statutes of Geo. II. and Geo. III.

29. There are twenty-five incorporated Guilds or companies of trades existing in the city of Dublin. They are all connected with, and in some respect form parts of, the general corporation, which is commonly distinguished from them as the corporation of "the city at large." The following Report will show the nature of the connexion between the guilds and the general corporation. The charters of these companies and the particulars of their respective constitutions form the subject of a separate portion of this report.

Incorporated Guilds.

The following are the trades thus incorporated:—

Merchants,	Weavers,
Tailors,	Shearmen and Dyers,
Smiths,	Goldsmiths,
Barber-Surgeons,	Coopers,
Bakers,	Felt Makers,
Butchers,	Cutlers,
Carpenters,	Bricklayers,
Shoemakers,	Hosiers,
Saddlers,	Curriers,
Cooks,	Brewers and Maltsters,
Tanners,	Joiners,
Tallow Chandlers,	Apothecaries.
Glovers and Skinners,	

All, except the guild of merchants, are usually called minor guilds.

III. CORPORATE BODY.

CORPORATE BODY.

30. The Title of the corporation of Dublin is, "The Right Honourable the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin."

Title.

31. The Officers of the corporation who are constituent members of it are,

Classes and Officers.

The Lord Mayor,
Two Sheriffs,
24 Aldermen,
144 Common Council Men; consisting of
48 Sheriffs' Peers, and
96 Representatives of the Guilds.

Of the other officers the following are connected with the administration of justice:—

Recorder,
Coroners,
President of Court of Conscience,
Town Clerks and Clerks of the Peace,
Marshal,
Water Bailiffs,
Sergeants at Mace,
Secretary to the Lord Mayor,
Register of Lord Mayor's Court,
Register of Court of Conscience,
Bailiffs of Court of Conscience,
Crier of the Quarter Sessions Court,
Governor of Newgate,
His Deputy,
Keeper of the City Marshalsea,
Keeper of the Sheriffs' Prison.

The following are ministerial:—

Treasurer,
Accountant,
Architect,
Surveyor,
Law Agents,
High Constable,
Sword Bearer,
Mace Bearer,
Officer of Commons,
Clerk of Commons,
Staff Men.

CORPORATE BODY.

The officers connected with the markets are,
Deputy Clerks of the Markets,
Inspector of the Hay Market,
Clerks or Weighmasters of the Hay Markets,
Weighmasters of Butter Cranes,
Weighmaster of the Green Hide Crane.

The remaining officers are those belonging to the Pipe-water Establishment; they are,
Masters of the Works,
Engineer,
Store Keeper,
Book Keeper,
Inspector of Collectors,
Collectors,
Supervisor,
Overseer,
Inspector of Turn-cocks,
Turn-cocks.

Number of Freemen.

32. The number of the Freemen is not ascertained, but is generally estimated at about 4000. There were about 1900 registered under the Reform Act, to February 1834, as voters resident within seven statute miles of the place of election. The number of non-residents, and of residents not registered as voters, is considerable. At the contested election, held in May 1831, the number of freemen who voted was 2459.

ELECTION AND QUALIFICATION OF OFFICERS AND MEMBERS.

Lord Mayor, election of.

33. The Lord Mayor is elected from the aldermen. By the New Rules in the 25 Charles II. the right of election of the lord mayor was confined to the lord mayor and aldermen, eight aldermen being always present. This was altered by the 33 Geo. II. c. 16, sec. 11, which requires, that "the name of the person elected by the lord mayor and aldermen shall be returned by them to the commons of the common council for their approbation, without which he shall not be capable of serving; and, if the commons reject or disapprove of the person so returned, the lord mayor and aldermen shall, from time to time, elect another person, and return the name of the person so elected to the commons for their approbation, and so, from time to time, until the commons shall approve of the person returned."

The office of lord mayor is very seldom contested. There is in form an election by the lord mayor and board of aldermen in the following way: The names of the three senior aldermen of the juniors, that is, of those who have not served the office of lord mayor, are written in an election book; those three aldermen then retire from the room, and the election is proceeded with in their absence, the names of the remaining aldermen being called over, beginning with the junior present, and each, as called in rotation, signing his name in the book under that of the person whom he wishes to be elected. The name of the person having the majority of votes is then inserted in a return, which is signed by the lord mayor and sent down to the commons. The alderman next in rotation to the acting lord mayor is usually the person elected by the board, unless he should wish to be passed over. It rarely happens that the person so returned to them is rejected or disapproved of by the commons. But in a few instances the latter body have succeeded in obtaining the election of the alderman preferred by them, by successively rejecting every other sent down by the lord mayor and aldermen.

The election of the lord mayor appears to be almost the only branch of the internal arrangements of the corporation which has become the subject of especial public notice, and as, on the principal occasions on which it has been matter of controversy, it seems to have attracted at the time much of public attention, and to have led to investigations on the constitution of the corporate body, and the legal right of its constituent members, it may be convenient here to state the most important particulars of those contests.

The practice of having three aldermen put in nomination, as at present, for the office of lord mayor, appears to be very ancient; but in the latter years of the reign of Queen Anne an attempt was made to establish a right in the lord mayor for the time being, to nominate the three candidates, and to compel the aldermen to elect one of the three so nominated. This attempt was supported by the Irish Government of that period, and led to a violent and protracted contest between the lord lieutenant and privy council, acting on the powers of approval or disapproval given to them by the New Rules, on the one side, and the board of aldermen on the other.

It was at first attempted on the part of the former to establish that the senior alderman who had not served the office of lord mayor, technically described as "not having passed the cushion," was of right entitled to be elected lord mayor—a position which if sustained would at once have made the election a mere form. This point was got rid of by the corporation by the repeal of some ancient bye-laws which appeared to support it; but the claim of the lord mayor alone to nominate the three candidate aldermen became the subject of very serious proceedings, and led to the agitation of a further question, Whether the lord mayor might hold over, beyond his year of office.

The proceedings on this occasion were obviously connected with the views of the then great contending political parties of the State. The account we have of them is that given by the finally predominant interest, on the accession of George I., and must therefore be liable to those deductions, to which, however unimpeachable the individuals by whom they are prepared, all political statements are to some extent subject.

The questionable parts of the statement we allude to have reference only to the motives and objects of the actors in the transactions it describes. The details, which relate to the subjects connected with this part of our Report, derive corroboration from the subsequent practice in corporate elections.

The history of the contest is given at great length in the account above referred to, namely, the Report, in the year 1716, of a Committee of the Irish House of Commons, specially appointed to investigate the subject. This Report, accompanied by numerous documents, is published in the Appendix to the third volume of the Journals of that House, p. 78. The nature of the contest, and the evidence afforded, on that occasion, of the ancient constitution of the corporation, in many particulars will, we think, be most conveniently shown by giving such extracts from the Report as appear to us to be connected with those subjects.

This document, after a brief reference to the charters of Henry II., John, and Edward III., proceeds to state, that, by a bye-law in Richard III.'s time, it was ordered, amongst other things, that the jurees, *i. e.*, the aldermen, shall meet on every Holyrood day to name one of themselves to be mayor, from the feast of St. Michael then next ensuing, for the space of one whole year: and if the person so named come not to the election of mayor as he was named on Holyrood day, according to the law of the said city, which hath been used of time that no mind is, to pay 20*l.*: and if any juree shall absent himself on Holyrood day without reasonable cause, he shall have no election on Michaelmas: provided that no juree, that shall be chosen mayor and serve for a year, shall be elected within three years after without his own assent: and that at Michaelmas assembly, 2 Edward VI., it was ordered, that the mayor for the year past shall go with the mayor of the city for the time being, to begin from Michaelmas, and so from Michaelmas to Michaelmas continually for ever: that afterwards, at Easter assembly in the 11th year of Queen Elizabeth, a bye-law was made, whereby it was enacted, "that to eschew contention that yearly ariseth upon election of mayor, every alderman shall keep his turn for bearing the charge of mayoralty according to antienty, and all laws, ordinances, establishments, licences, grants, and orders, heretofore made or granted to the contrary hereof, shall be by authority of this assembly revoked, repealed, annulled, and utterly frustrated and void:" that this bye-law which established the succession continued in force till Christmas assembly, 1652, when a bye-law was made reciting the last-mentioned bye-law in the 11th of Queen Elizabeth, and that the election of a mayor by the mayor and aldermen, with the assistance of such as by that assembly should be concluded upon, will be more agreeable to the original constitution of the corporation in the point of election of their yearly mayor, and recites further that the commons desired the assembly to lay down a course therein: and the said bye-law orders and directs, that the mayor be thenceforth yearly elected from among such of the aldermen as have not borne the office of mayor in their own right, or in default of such, out of the aldermen at large, to be made according to ancient custom of the city by the mayor and aldermen calling to their assistance the sheriffs and sixteen of the commons then present, to be appointed by the sheriffs: and that bye-law further orders, that the mayor shall thenceforth be elected at such times as anciently have been accustomed, in such manner as in the petition is desired, provided there be three of the aldermen that have not served in their own right, to be nominated by the mayor and aldermen, put in election; and, if there be not so many, then out of the aldermen at large: which bye-law continued not long in force, for at Easter assembly, 1657, a bye-law was made, by which it was ordered and enacted, that every alderman who had not borne the office of mayor in his own right shall keep his turn for bearing the office and charges of mayoralty, according to his antienty successively; and all laws, ordinances, establishments, and orders theretofore made to the contrary are annulled thereby: that from 1657 till the making of the New Rules in 1672, the bye-laws of succession again took place, except in two instances, one of Alderman Richard Cooke in the year 1663, the other of Sir Daniel Bellingham in 1664, each of whom were excused from serving in their turn, and the law of succession was, by the said Acts of Assembly, dispensed with in the said cases.

The Report, after stating the publication of the New Rules for Dublin, and the subsequent course of proceeding as to the mode of election, sets forth the claim of Alderman Robert Constantine, in 1711, to be chosen lord mayor, of right, as the senior alderman who had not passed the cushion; and the Committee reported, that it further appeared to them, that, in order to remove all colour of objection for the future, the lord mayor, aldermen, and common council, the 15th day of May, 1711, at a very full assembly, duly summoned in the usual manner, and by the proper officers, consisting of the lord mayor, aldermen, and about eighty of the commons, the whole number of the commons being about 106, made a bye-law, which recites, that one bye-law made at Michaelmas assembly, in the fifth and sixth years of King Philip and Queen Mary, which enacted, that the mayor of the city should, the year after his mayoralty, be made master of Trinity Guild, and also one other bye-law made, the 11th of Queen Elizabeth, which bye-law is before set forth, were found inconvenient in restraining the freedom of elections; and the said bye-law enacts and ordains, that the said recited bye-laws are thereby repealed, revoked, annulled, vacated, and abrogated, and that all other bye-law or bye-laws, or ordinances whatsoever theretofore made, whereby the right or manner of electing mayor, or master of Trinity Guild, is restrained, limited, circumscribed, abridged, or directed, and every clause or article therein are repealed, revoked, and abrogated to all intents and purposes. The Report then states six several elections of lord mayor and sheriffs in 1711, all disapproved of by the lord lieutenant and privy council, and that, on the 1st day of October, an act or order was made of the then lord mayor and board of aldermen, importing that it was the undoubted right of the

CORPORATE BODY.

lord mayor and aldermen to elect such of the aldermen of the city to the mayoralty as they should think fit, without regard to seniority or juniority. The Report then gives a long and particular detail of the controversy which ensued, but which it is unnecessary to introduce here; and concludes with a series of resolutions, of which the following only are now of importance:—

Resolved, That it is the opinion of this committee, that the senior alderman, who had not served as mayor, had not any right, by charter, usage, or bye-law in force in the city of Dublin, as such to be elected lord mayor.

Resolved, That it is the opinion of this committee that the right of nominating the three persons to be put in election for the mayoralty is in the lord mayor and aldermen of the said city, and that the aldermen are in no sort restrained in the choice of the succeeding lord mayor to one of the three persons nominated, or proposed to be put in election, for lord mayor.

Resolved, That it is the opinion of this committee that the lord mayor of the city of Dublin hath not any right by charter, usage, or bye-law, in force in the city of Dublin, to hold over beyond the year for which he was elected.

The statute 33 Geo. II. c. 16, s. 11, already stated, does not interfere with the form of election of the lord mayor by the lord mayor and board of aldermen, but makes their choice expressly subject to the approval or disapproval of the commons.

No further important contest respecting the election of the lord mayor arose until some years after this Act was passed, namely, in the year 1790.

The Irish Government, in the year 1786, succeeded in passing a Bill for the better establishment of the police of the city of Dublin, which vested in the lord lieutenant very extensive powers in the appointment of commissioners of police and divisional justices, which were to be chosen from the magistrates of the city; and the aldermen being in fact the only permanent magistrates, the Act gave an important influence to the Government in the corporation by its exercise of the power of appointment.

The Police Bill, on this and other grounds, became an object of the most violent hostility on the part of the citizens, and it appears that eighteen of the guilds pledged themselves not to vote for any citizen to serve in the common council, who did not previously to the election take and subscribe a solemn test that he would not vote for any man to be lord mayor who was a commissioner of the police.

An occasion arose for acting on these principles on the election of a lord mayor in the year 1790. On the 16th April in that year the board of aldermen returned to the commons the name of Alderman James, a commissioner of police, as chosen by them to be lord mayor. The commons proceeded to a ballot, and Alderman James was rejected by a majority of four.

The board of aldermen then sent down successively the names of seven other aldermen, who, being objectionable on similar grounds, were all rejected by large majorities.

The board of aldermen not having sent down any other name, the commons adjourned to the next day, and the lord mayor entered their hall, and declared that he dissolved the assembly.

On the next day the sheriffs and commons assembled, and elected Alderman Howison to be lord mayor, and returned his name to the privy council. The board of aldermen, on the same day, met and elected Alderman James, and made a separate return of his name to the privy council. Counsel was heard before that assembly, and the lord lieutenant and privy council sent both parties to a new election.

A post assembly was accordingly held on the 27th May, when the lord mayor and board of aldermen again returned the name of Alderman James to the commons, who again rejected him. The lord mayor and board of aldermen then sent a message to the commons, to know "on what ground, or for what cause, the sheriffs and commons had disapproved of Alderman James;" to which the latter body replied that they, acting according to law, did not think it incumbent on them to assign any reason for rejecting him. The board of aldermen did not send down any other name, and both houses met the next day, when the sheriffs and commons re-elected Alderman Howison, and the lord mayor and aldermen re-elected Alderman James, and the names were severally returned to the privy council as before.

The lord lieutenant and privy council again sent them to a new election, which took place on the 23d June. The lord mayor and board of aldermen again returned the name of Alderman James to the commons, who again rejected him by a majority of two to one. The board sent another message to demand the reasons of objection to Alderman James, which was answered, as before, that the commons, acting lawfully, did not conceive themselves bound to assign any reasons. Both parties met again the following day, when Aldermen Howison and James were again elected by the respective bodies as before, and returned the third time to the lord lieutenant and privy council.

The question on these double returns was argued at great length before the privy council, and the principal point which appears to have been discussed was, whether, under the 33 Geo. II. c. 16, s. 11, the commons were at liberty to reject the alderman sent to them by the board, without assigning any reasons for the rejection. The difficulties which must necessarily exist in assigning reasons for the decision by ballot of a large assembly, and in determining at the moment on the validity of the objection, with the want of any provision as to the persons by whom such determination should be made, were strongly urged on behalf of the commons. The privy council, however, without assigning any reasons for their judgment, approved of Alderman James. The lord chancellor, Lord

Clare, in a speech afterwards made by him in the House of Lords, declared, that, when double returns had been made, it had been always considered as almost matter of course to approve of one of the parties returned, and that by this means the question was put into a situation of being tried at law, and that the decision of the lord lieutenant and council was of no authority whatever: if Alderman James's election was illegal, that decision did not affect to legalize it, but merely put it in course of trial before the proper tribunal.

The question was not finally brought into a court of law: Alderman James, yielding either to the legal difficulties urged against his election, or to the force of popular feeling so strongly directed against his appointment, finally retired from the contest; and the commons have ever since exercised the power of disapproval, without assigning the grounds of objection to the aldermen returned to them, or being called on by the board of aldermen to do so.

The last occasion of a contest for the office of lord mayor occurred in the year 1820. The lord mayor and aldermen on that occasion sent down successively the names of several aldermen, whom the commons rejected, and the lord mayor and aldermen finally declined to send down the name of Sir A. B. King, whom the commons wished to elect, and retired from the assembly. The commons, under the power conferred by the 13th section of the Act, met on the next day, and elected Sir A. B. King; and this election was confirmed by the lord lieutenant and privy council.

In case of the death of the lord mayor during his year of office, it is provided by the statute 11, 12 Geo. III. c. 11, s. 69, that the aldermen shall assemble within two days after such death, and elect an alderman as locum-tenens, who shall have all the powers before vested in the lord mayor, and be capable of presiding and summoning the members of the corporation for the election of a lord mayor in place of the deceased.

The 70th section requires the person so elected locum-tenens to proceed to such election of a new lord mayor within fourteen days after the death of the late lord mayor; and, in failure of his so doing, his power and authority shall immediately cease and determine, and the aldermen and commons may elect a lord mayor without his presence or concurrence, and issue summonses in the name of the town-clerks, or town-clerk, for the purpose of holding such election.

The same statute, in s. 68, empowers the lord mayor, by warrant under his hand and seal, to appoint one of the aldermen to officiate as his locum-tenens during his illness or necessary absence.

The being an alderman is the only necessary qualification required for the office of lord mayor.

It is a provision of the New Rules, 25 Charles II., that the name of the person elected shall, within ten days after the election, be presented to the lord lieutenant and privy council for approval; that he shall not be capable of serving until approved; and if not approved within that time the corporation shall proceed to a new election, and present the name of the person elected, as before, and so from time to time, until they shall have chosen one that shall be approved of.

Fines, discretionary in amount, were formerly imposed on persons refusing to serve the office of lord mayor when elected; an instance occurs of such a fine, in the year 1603, so high as 2000*l.*: this has not been the practice in modern times.

It appears to have been formerly the custom for the lord mayor on the day of his election to enter into a recognizance in 1000*l.* to appear on the next Michaelmas-day to undertake the office.

The lord mayor on his election pays a sum of twenty guineas to the Blue Coat Hospital.

The lord mayor is sworn into office before the lord lieutenant of Ireland, according to the provision of the charter of 15 Henry III. The oath, by the statute 17, 18 Geo. III., c. 44, may be administered by either of the chief justices, or any of the other justices of the courts of King's Bench and Common Pleas, in the absence of the chief baron of the Exchequer. Power was given by the charter 37 Edward III., as already stated, to the lord mayor and commonalty of the city to swear in the lord mayor, unless the lord lieutenant or some baron of the Exchequer should be in Dublin at the time, before whom, then, such oath was to be taken.

34. The aldermen are elected for life from among those who have served the office of sheriff, called sheriffs' peers. The mode of election is as regulated by the 33 Geo. II., c. 16, s. 10, which requires the lord mayor and aldermen, or the usual quorum of them, on a vacancy, within the usual time of filling such vacancy (which is twenty-one days), to nominate four sheriffs' peers as fit persons to serve the office of alderman, and return their names and additions to the commons, who shall elect one of the four to the office. Aldermen, election of.

It is complained of that the apparent power of selection thus given to the commons is defeated, and the election of aldermen substantially vested in the lord mayor and aldermen, by the latter returning only the names of candidates preferred by them, with those of persons not seeking and known to be unwilling to accept the office, or unlikely from age to be elected to it. This is an obvious consequence of the power of nomination given to the lord mayor and aldermen. The only mode the commons have of defeating it is, by electing one of the four who it is known will not accept the office, and instances of this nature have occurred.

There is not any qualification in respect of property required in the aldermen, nor any fine on a person elected refusing to serve the office.

Every alderman on being elected is expected to provide an entertainment for the common council. He pays also a sum of 400*l.*, of which 100 guineas is for the Blue Coat Hospital,

CORPORATE BODY.

and the residue applied to a fund called the Junior Aldermen's Fund, which is set apart for the repairs and embellishment of the Mansion House. The entire expense on election is about 600*l.*

An alderman elected lord mayor does not lose his office of alderman, save during his year of office as lord mayor. There are, in fact, always twenty-four aldermen, besides the lord mayor for the time being.

Sheriffs, election of.

35. The election of the sheriffs was, by the New Rules, 25 Charles II., vested exclusively in the lord mayor and aldermen; but an important alteration was made in this respect by the 33 Geo. II. c. 16, which regulates the present mode of election.

By that Act, s. 9, the commons of the common council are, at the usual time of electing sheriffs (which is at the Easter assembly), to nominate eight freemen of the city, resident within the city or adjoining liberties, each worth, in real or personal estate in possession, the sum of 2000*l.* over and above all his just debts, as fit persons to serve in the office of sheriff, and shall return the names and additions of the persons so nominated to the lord mayor and aldermen, who shall elect two persons out of the eight so returned to be the sheriffs for the ensuing year,—from the usual time of entering on the office (which is at Michaelmas);—and in case of the death of a sheriff in office, or his resignation or removal, the commons on such vacancy shall, within the usual time of filling such vacancy, nominate four freemen of the city, qualified as aforesaid, and return the names and additions of such four to the lord mayor and aldermen, who shall elect one thereout, to serve in the office during the time the person in whose room he shall be elected ought to have served therein.

By the New Rules, the sheriffs must be approved of by the lord lieutenant and privy council, in the same manner as we have noticed in respect to the lord mayor.

The power of nomination thus given to the commons enables them, to some extent, to vest in themselves the election of sheriffs, by adopting the practice complained of in the nomination of persons for the office of alderman by the lord mayor and aldermen, and returning the names of their favourite candidates, with those of others so objectionable as to induce the lord mayor and aldermen to elect, as of course, those preferred by the commons. This course accordingly is stated to have been pursued by the commons on some occasions. It is a bye-law of the corporation, that an oath shall be administered to those persons whose names are returned to the lord mayor and aldermen, that they have not agreed to appoint any particular person under-sheriff.

Qualification.

By the statute 33 Geo. II. c. 16, the sheriffs should possess the qualification of being worth, in real or personal estate in possession, the sum of 2000*l.* (of the late Irish currency) over and above all their just debts; and by Act of Assembly the persons whose names are returned to the lord mayor and aldermen ought to be first sworn to their possessing the qualification. If any candidate present at the time of election should refuse to be sworn he would be rejected; but it is not a ground of objection that the candidate is not present at the election, and thus by being absent he is allowed to avoid taking the oath; and it appears that latterly individuals have served the office without having taken it. There is no other mode pointed out of ascertaining actual possession of the required qualification, and, considering the importance of the office and the responsibilities attached to it, the existing regulation in this respect seems very inefficient.

The qualification of residence within the city and liberties is not by the statute required to have existed for any period prior to the actual time of election.

The office of sheriff has not in practice been confined to mercantile men. Some late sheriffs have been officers holding commissions in the army.

The office of sheriff being introductory to that of alderman, and conferring on the person who has served it a permanent place in the common council, care is generally taken to elect individuals possessing the political principles of the corporation, which are avowedly exclusive and anti-catholic; and as a test of his opinions, unless otherwise sufficiently known, the candidate for the office of sheriff has been required to engage that he will propose, at his civic entertainments, a political toast which has long been considered a pledge of those principles. When the functions and duties of the office of sheriff, and the very extensive powers vested in those filling it, come to be considered, it will be obvious how injurious to the administration of justice the effect must be, of the suspicions which (however upright and impartial the conduct of individuals) must attach to their performance of those public duties in the minds of the great body of their Roman Catholic fellow-citizens, and of those of other persuasions who are opposed to the political views of the corporation.

Fines.

A freeman elected to the office of sheriff may become a sheriff's peer without actually serving the office, on paying a fine of 500*l.*, of which 100 guineas is given to the Blue Coat Hospital.

From a very early period fines, varying in amount, appear to have been imposed on freemen elected sheriffs who refused to serve the office. The highest sum has been 500*l.* The payment has been sometimes submitted to, but at others resisted, and no instance was shown to us of proceedings having been taken to enforce it. Persons have been allowed to decline the office on payment of nominal fines, and some, who had previously refused to accept the office at all, have escaped without paying any thing. There seems much uncertainty as to the nature and exercise of the power.

Each sheriff on his election is expected to pay 100 guineas to the Blue Coat Hospital. This payment is rarely declined or objected to, but some instances were stated to us of sheriffs who refused to make it, on the ground of their having been forced into the office.

A representative of a guild in the common council, elected sheriff, vacates his place as such representative.

CORPORATE BODY.

It is a provision of the 33 Geo. II. c. 16, s. 12, that within two days next after the election of alderman or sheriffs, the town-clerk shall cause a list of the names of the several persons returned by the lord mayor and aldermen to the commons, as fit to be chosen aldermen, and the names of the persons returned by the commons to the lord mayor and aldermen, as fit to be chosen sheriffs, to be posted on the Tholsel, Four Courts, Parliament House, Trinity College, and Market House, distinguishing the names of those elected; and on the Saturday next after such posting, shall cause the like list to be printed in the Dublin Gazette and two other public newspapers, at the expense of the corporation.

This regulation is not now observed, save by posting the lists at the Assembly House and Sessions House; formerly the building called the Tholsel, now no longer in existence, served the purpose of both.

By the same statute, s. 13, it is provided, that if either the lord mayor and aldermen or the commons shall omit or refuse to assemble at or within the usual times, for the electing the lord mayor and aldermen and sheriffs respectively, or, being assembled, shall omit or refuse what is thereby required to be done by them respectively for election and appointment of the said officers, then the commons, in case such default shall be in the lord mayor and aldermen, or the aldermen, if the default shall be in the commons, or the usual quorum of them respectively, shall and may, without any summons for the purpose, assemble at the Tholsel on the next following day (not being Sunday), or if Sunday, then on the Monday next following, and elect the said officers respectively as the case shall require; and every such election so made shall be valid and effectual to all intents and purposes.

We have noticed instances of the exercise of the power given by this section to the commons, on the occasion of the election of lord mayor.

Common Councilmen, election of.

36. The Common Councilmen are those who have served the office of sheriff, called sheriffs' peers; and representatives elected triennially by the several guilds of the city. By the first section of 33 Geo. II. c. 16, the number of sheriffs' peers is not to exceed forty-eight, and in practice there are not so many. There were thirty-five on the 1st January, 1834, of whom four had become sheriffs' peers without serving the office, on payment of a fine. The number of the representatives of the guilds is ninety-six, in the following proportions:—

Trinity Guild or Guild of Merchants	31
Tailors	4
Smiths	4
Barber-Surgeons	2
Bakers	4
Butchers	3
Carpenters	3
Shoe-makers	4
Saddlers	3
Cooks	2
Tanners	2
Tallow-chandlers	2
Glovers and Skinners	2
Weavers	3
Shearmen and Dyers	2
Goldsmiths	4
Coopers	2
Felt-makers	2
Cutlers	3
Bricklayers	2
Hosiers	2
Curriers	2
Brewers	4
Joiners	2
Apothecaries	2
	96

The numbers above stated appear to have been those of the sheriffs' peers and representatives of the guilds, at the time the New Rules for Dublin were made in the year 1672. By the fourth rule the period of election was fixed at three years, commencing with the month of November in that year, and it has since so continued without interruption. The same rule provided, that the several guilds should, at each period of election, elect and nominate double the number of persons usually chosen out of each guild and present their names by the master and wardens of the guild, to the lord mayor, who should, in the presence of one of the sheriffs and eight of the aldermen before the 24th December, elect out of the persons so presented, the number usually serving in the common council for each such guild; and in case of vacancies happening by death or removal in the three years, the guild out of which the person dying or removed was elected should present two others to the lord mayor, out of whom he should, in presence of a sheriff and eight aldermen, elect one to serve for the remainder of the three years.

The lord mayor and aldermen on default of any guild so to nominate, or of the master and wardens to return the names of the persons nominated by the guild, in manner and at the time appointed, or on refusal of the person nominated or elected to serve as member of the council, were empowered and required some time after the last day of November, and

CORPORATE BODY.

before the 24th December, every three years, to elect out of the guilds so failing the accustomed number to serve for such guild in the common council.

The 33 Geo. II. c. 16, s. 2, materially altered these provisions, in favour of the independence of the guilds, by taking away all powers of election from the lord mayor, and declaring that the guilds, instead of electing and returning double the number of persons usually serving for each guild, should for the future elect the number of persons, and no more, which each guild are entitled to have as their representatives in the common council. The guilds are however to present the names of the persons elected to the lord mayor within the usual time; and by sec. 3, any master or wardens of a guild refusing or neglecting to return the names of the persons elected within the accustomed time, may be disfranchised by the common council, and the clerk of the guild shall make the return in their place with the like liability to disfranchisement, on refusal or neglect by him to make such returns, and to be for ever after incapable of holding that or any other office or employment within the city; and if all, master, wardens, and clerks, should neglect or refuse to make the returns within the accustomed time, the guild may within six days after the expiration of that time appoint a new master, wardens, and clerk, who may within six days make a valid return.

We have not been informed of an instance in the recollection of the present officers of the corporation, of default in any party in making the returns.

The election in the guilds takes place in November, every third year, under a precept from the lord mayor, addressed to the master and wardens of the guild, and on which the officer of commons is paid a fee of 1*l.* from each guild.

No person can be returned as a representative of the guild who is not a freeman of the city at large; and by the 5th section of the 33 Geo. II. c. 16, no person can vote for commons of the city in any other guild than that in which he was first made free. The importance of this provision to the guilds was very great, as many individuals are in fact free of several guilds, and a contrary practice would inevitably tend to the entire destruction of the independence of those bodies.

It is not determined by statute, and we cannot find that it is settled in practice, whether a person admitted to the freedom of a guild, but not admitted to that of the city at large, as adverted to hereafter, can vote for representatives for his guild.

By the 14th section of the 33 Geo. II. c. 16, every election by the guild for representatives in the common council, and every election made or approbation given by the commons by virtue of that Act, shall be by ballot, and not otherwise.

It is enacted by the 33 Geo. II. c. 16, s. 4, that no person shall be elected, nominated, or returned, or capable to serve in the common council, who shall not at the time of election, nomination, and return, follow the business or trade of the guild or corporation for which he or they shall be so elected, nominated, or returned, as his public or known trade business, or occupation, or shall have served an apprenticeship to such trade, business, or occupation, or have followed it for the space of five years; save only for the guild of merchants, and as to that guild, that the representatives of it in the common council shall be merchants or traders. The obvious intention of this provision, and the entire system of election from the guilds, which in their original constitution were bodies associated for the benefit of the trades from which they derive their names, and are still supposed in practice to represent those particular branches of industrious occupation, tend to the conclusion that the commons were formerly the ostensible representatives of the commercial and trading interests of the city.

They have long ceased to fill that useful and honourable position; and whether it arises from the exclusive political character of the corporation, or from some other motive, it appears that a disinclination exists among the mercantile body of the city to become members of it.

Of the representatives of the guild of merchants in the common council few have any pretension to that name; and even in the minor guilds the representatives are frequently persons not following the trade of the guild they represent, or any other, and several are attorneys. These anomalies arise from the recognition of the rights of admission by birth and marriage, and the limited power of determining on the qualification of the representatives given by the 6th section of 33 Geo. II. c. 16, hereafter noticed. The details of the several guilds will shew the extent of the deviations which in this respect exist from the statutory regulations above alluded to.

In fact, the commons are totally distinct from the mercantile body of the city, and nothing can more clearly illustrate the position in which the corporation and the citizens at large at present stand, than the facts that the council of the Chamber of Commerce, the Committee of the Commercial Buildings, the Directors of the Corn Exchange, and the Committee of the Linen Hall, the principal commercial institutions of the city, do not contain a single alderman, sheriffs' peer, or member of the commons. The Ouzel Galley Society, an institution for the arbitration of disputes relative to trade and commerce, and consisting of many of the most influential and respectable merchants, contains one alderman and one sheriffs' peer.

A power appears to exist in the common council to alter the numbers of common councilmen serving for any guild, and distributing them amongst the others, so as the whole do not exceed the number of ninety-six. This power is recognized in the New Rules, and in the statute 33 Geo. II. c. 16, s. 8, but we have not found any trace of its being exercised in modern times.

Each individual elected a representative, besides the charges to which he may be put in his guild, pays 1*l.* to the officer of commons.

Each sheriffs' peer pays the same sum to this officer every three years.

37. With the design of preventing persons not duly qualified from being of the common council of the city, it is enacted by the 33 Geo. II. c. 16, s. 6, that the lord mayor shall, as often as may be necessary, between the last day of November and 24th December, which shall be at the end of every three years, convene the common council of the city, who are empowered finally to determine and adjust all differences and doubts touching the qualification, election, nomination, return, and appointment of the several persons elected, returned, or appointed as representatives of the guilds for the three years next ensuing, and any complaint made or information given by any freeman of the city to the lord mayor of the disqualification, or undue return, of a common councilman elected on an occasional vacancy. The lord mayor is also required thereupon, without delay, to convene the common council, who are thereby empowered finally to determine the same.

Trial of controverted Elections for Common Councilmen.

It is provided by the 7th section, that the lord mayor, aldermen, and commons shall sit together to determine and adjust these elections and returns, but on no other occasion.

To enable the common council to take into consideration the qualification or due election of a representative from any of the guilds, it is necessary that a petition should be presented in the time mentioned in the 6th section of the Act against the return; and by a modern resolution of the assembly, the petitioner must deposit five guineas with the town-clerks on lodging the petition, to defray the expenses of the common council in meeting to determine its merits. The petition may be presented by any freeman of the guild, and should, regularly be lodged before the person petitioned against is sworn in, but may be afterwards.

The deposit thus required, and the other expenses attendant on the discussion of the petition, which may be considerable (the parties sometimes employing counsel on such occasions), and which, even if successful, the petitioner does not recover from the opposite party, tend to prevent individuals from coming forward, to object to the election of members apparently disqualified. The council will not entertain any objections to a return not stated in the petition, nor, except on petition, inquire at all into the qualifications of a member.

The recorder sits as assessor to the assembly, when so convened on election petitions, but has not any vote, nor is he at liberty to give his opinion unless required; and it has been made a question on such occasions whether or not the recorder's opinion should be asked on the case before the assembly, and decided in the negative.

The numbers of the representatives of the guilds not belonging to the respective trades is stated to have increased of late years.

Care has been taken by the commons to prevent persons holding offices under the corporation from being members of the common council. Their standing rules and orders provide, that no petition shall be balloted for by them, from any member, either of the board of aldermen, or of the commons, for any lucrative employment under the city, unless the petitioner previously declares, that, in case he is elected to the office, he will immediately after resign his seat in the assembly; that on any election of common councilman any person returned who holds any place or employment (to which a salary is annexed,) or is a pensioner in or under the corporation, shall vacate the employment or lose the pension; and that no salary or pension whatever shall be allowed the city treasurer or receiver on his account, in case the person to whom the same shall be payable shall be elected or returned to serve as a common councilman for any corporation in the city, and shall at the time he received the salary or pension be of the common council. These orders are generally observed, but a late exception has been made to them on special grounds in favour of an individual appointed to a newly created office—that of inspector of the Pipe-water Revenue, which will be noticed in a subsequent part of this Report.

An Act of Assembly of 1770 declares, that from 24th December, 1771, no member of the common council be elected to any place of profit or emolument in the city, or employed in any of the city works. But this regulation is not strictly observed.

The lord mayor, aldermen, sheriffs, sheriffs' peers, and commons constitute the common council, or select body of the corporation, divided into two houses, which sit apart, except on election petitions, the upper house consisting of the lord mayor and aldermen, and the lower of the sheriffs, sheriffs' peers, and commons, in the numbers already stated.

38. The Recorder is elected by the common council. The lord mayor and aldermen first elect, and return the name of the person elected by them to the sheriffs and commons for their approbation; should they reject the person so returned the lord mayor and aldermen proceed to a fresh choice, and return to the commons, and so on, until both houses concur in the election of the same individual. The name of the person elected must, under the New Rules, be returned to, and he must be approved of by the lord lieutenant and privy council, in the same manner as the lord mayor and sheriffs. The recorder was formerly appointed by the corporation during pleasure, but by the 33 Geo. II. c. 16, c. 20, it is enacted, that he shall continue during good behaviour, subject to be removed by the city on his being promoted to a judicial office in any of the superior courts of justice in Ireland.

Recorder, how elected.

The recorder is not required to be a freeman. He must be a barrister.

By the statute 31 Geo. II. c. 16, which gives to the recorder of Dublin a Civil Bill jurisdiction, power is given in the 6th section to the lord chancellor or lord commissioners of the great seal, to appoint one of the king's counsel to hold the Civil Bill Court during the sickness or other necessary cause of absence of the recorder. The general statute 21, 22 Geo. III. c. 42, s. 5, empowers the recorder, in the like cases of sickness or necessary absence, with the consent of the lord mayor, to appoint a Deputy, being a barrister at law, to fill his place at sessions of the peace, and such deputy, by the 39 Geo. III. c. 55, s. 4,

CORPORATE BODY.

Deputy Recorder. should be a barrister of six years' standing. By the 5 Geo. IV. c. 102, s. 27, the recorder is prohibited from acting or practising as counsel in any criminal or civil court within the police district of the metropolis. This district comprises all places within eight miles of the Castle of Dublin.

Coroners. 39. The Coroners are elected by the lord mayor and board of aldermen alone, and from the aldermen.

President of the Court of Conscience. 40. The lord mayor for the time being was President of the Court of Conscience until the year 1759, but by the statute 33 Geo. II. c. 16, s. 15, the lord mayor is made president of this court, for the space of one year next after he shall have served in the office of lord mayor; and by the statute 11, 12 Geo. III. c. 11, s. 71, the president for the time being may, by warrant under his hand and seal, appoint any alderman to officiate in his place, during his illness, or necessary absence.

Town Clerks. 41. The Town Clerks, who are also the clerks of the peace, are elected exactly as the recorder. They hold their office until death, resignation, or removal, and must, under the new rules, be approved of by the lord lieutenant and privy council. It is not necessary that they should be freemen.

Marshal. 42. The Marshal is elected in the same way and by the same body. The only qualification required is his being a freeman: this officer, in common with many others, is elected by the corporation, in form, only for one year; in practice, however, the same individuals are annually re-elected; instances to the contrary are rare, but it is competent to any member of the commons to demand a ballot on the question.

Water Bailiffs. 43. The Water Bailiffs are elected as the marshal is, and by the same body, and go through the same form of annual election. They give security with two sureties to the extent of 1,000*l.*

Serjeants at Mace. 44. The Serjeants at Mace are similarly elected, and go through the same form. They give security with two sureties in 250*l.*

Secretary of Lord Mayor and Register of Lord Mayor's Court. 45. The Secretary of the Lord Mayor and the Register of the Lord Mayor's Court are annual officers appointed by the lord mayor for the time being.

Register of Court of Conscience. 46. The Register of the Court of Conscience is an annual officer appointed by the president of the court for the time being.

Bailiffs of that Court. 47. The Bailiffs of that Court are appointed by the register, to whom they pay fees on their appointment, generally of 5*l.* each.

Crier. 48. The Crier of the Quarter Sessions Court is appointed by the court.

Governor of Newgate and Keeper of City Marshalsea. 49. The Governor of Newgate and the Keeper of the City Marshalsea are elected by the common council, and go through the form of annual re-election. The former appoints the Deputy Governor.

Keeper of Sheriffs' Prison. 50. The Keeper of the Sheriffs' Prison is annually appointed by the sheriffs, but the same officer is usually continued.

Treasurer. 51. The Treasurer is elected under the New Rules by the lord mayor and aldermen, and he and the coroners are the only officers in whose election the commons do not participate. There is in form an annual election, but the same person is usually re-elected.

The treasurer has always been elected from the aldermen, and does not vacate his office of alderman on being elected treasurer. He gives security by two sureties in the sum of 5,000*l.*

Other Ministerial Officers. 52. Of the other Ministerial Officers the following are elected by the same bodies, and in the same manner as the marshal: namely,

The Accountant,
Architect,
Surveyor,
High Constable,
Sword Bearer,
Mace Bearer, and
Officer of Commons.

The Law Agents and Clerk of the Commons are elected by the same body, but hold their offices for life or during good behaviour.

The Staffmen are appointed, for his year of office, by the lord mayor for the time being.

Clerks of the Markets. 53. The Clerks of the Markets are the deputies of the lord mayor, who is by charter clerk of the markets. They are annual officers appointed by each lord mayor for his year of office, and generally the same individuals are continued. Each clerk of the market pays a fee of 11*l.* 16*s.* to the lord mayor on his appointment.

Inspector of the Hay Market. 54. The Inspector of the Hay Market is an officer annually appointed by the lord mayor, to enforce the regulation of the statutes 4 Geo I. c. 11, s. 12, 13, and 11 Geo. II. c. 11, s. 10; no such officer is mentioned in either of the Acts. He pays a fee of 11*l.* 16*s.* to the lord mayor on his appointment.

Clerks of the Hay Market. 55. The lord mayor also annually appoints the Clerks or Weighmasters of the Hay Market, each of whom pays him a fee of 11*l.* 16*s.*

Weighmasters of Butter Crane. 56. The Weighmasters of the Butter Cranes in Spitalfields and Thomas Street are appointed under the authority of the statute 52 Geo. III. c. 134. By the Irish statute 8 Geo. I. c. 7, s. 2, a temporary Act, weighmasters of butter and tallow were to be appointed during

CORPORATE BODY.

pleasure by the chief magistrate of every city. By the 10 Geo. I. c. 9, s. 22, the lord mayor, sheriffs, commons, and citizens of Dublin in common council assembled were empowered from time to time to appoint one or more weighmaster or weighmasters for the city, to execute the office in person or by deputy. This Act was also temporary, but was continued in force from time to time until repealed as to butter, with several other Acts relating to the butter trade, by the 52 Geo. III. c. 134, the 2d section of which gives the power of appointment of weighmasters in Dublin to the chief magistrate and aldermen. The 4th section makes them removeable for misbehaviour, by the mayor, aldermen, and common council.

These officers are appointed during good behaviour, and in practice the appointment appears to be made by the lord mayor, aldermen, and commons, in the usual mode of appointing city officers.

Weighmaster of the Green Hide Crane.

57. The Weighmaster of the Green Hide Crane is an officer first created by the Irish statute 8 Geo. I. c. 7, s. 11, to be appointed by the lord mayor. This was a temporary Act, and by the 10 Geo. I., c. 9, s. 23, was to continue in force during the continuance of that Act. The 10 Geo. I. c. 9, was successively continued by subsequent statutes to the 29th September, 1812, and to the end of the then next session of parliament. The 8 Geo. I. c. 7, was expressly continued by the 39 Geo. III. c. 61, (which received the Royal assent June 1st, 1799,) for the term of twenty-one years, and from thence to the end of the then next session of parliament. We do not find that the Act has been further continued, but the office and establishment are kept up. The present weighmaster stated to us that he was appointed in 1819, being then a member of the common council; that he was appointed by the corporation on the conditions that he should perform the duties of weighmaster at the crane, and take a lease of the premises where the crane is situate, at a rent of 100*l.* per annum; that his predecessor paid but 40*l.* a-year, and that one of the candidates for the office, also a member of the common council, offered a rent of 200*l.*; that he was sworn into office before the lord mayor, and did not pay any fee on his appointment, but paid 15*l.* to the town-clerks for the lease.

Masters of Works.

58. The Masters of the Works are the sheriffs of the preceding year.

Officers of the Pipe-Water Establishment.

The other Officers connected with the Pipe-Water Establishment are elected by the lord mayor, aldermen, and commons, in the course described as used on the election of the recorder, marshal, &c.

Forms of Election.

59. Every Election by the common council, whether annual or otherwise, is made on a petition or beseech to the council from the individual, seeking to obtain, or be continued in the office.

It is one of the standing orders of the commons, that no person be admitted to any employment in the city who is not a freeman, except the offices of recorder and town-clerk, and the persons admitted into places to have been free for one whole year at least.

It is also provided by a standing order of 1718, that no person be admitted into any place or employment in the city which requires the consent and approbation of the sheriffs and commons, until he makes oath that he has not given, nor will give, directly or indirectly, any sum of money or other gratuity for said place or employment: this oath to be made before a justice of the peace for the city, in the presence of two of the commons, to be appointed by the sheriffs and commons, and lodged with their clerk to be entered in the journals.

This regulation is not now enforced, and we have it in evidence that, as to one office, that of water-bailiff, one of the present holders of it obtained, by purchase, the retirement of his predecessor.

Freemen, classes of.

60. There are three Classes of Freemen: first, those made free of the city at large, without having previously obtained the freedom of any of the guilds; secondly, those admitted in the first instance to the freedom of a guild, and then to that of the city at large; and, lastly, those admitted to the freedom of a guild, but not to the freedom of the city.

The first and last of these classes, particularly the last, are inconsiderable in number, the great body of the freemen being of the second.

Admission of Freemen of City at large.

61. Admissions, in the first instance, to the Freedom of the City at large, are granted, as by grace especial, by the aldermen and commons in the general assembly. Freemen so admitted are merely honorary. It is not usual for a person seeking this admission to apply for it directly. The course is for some alderman or member of the commons to mention the name to the town-clerk previously to the meeting of the assembly. The town-clerk inserts it in the abstract prepared by him of the business to be done at the assembly, and also prepares a petition for the admission of the individual, mentioning in it either some particular public services deserving of such a mark of approbation, or, if no such service can be especially referred to, the petition prays that the individual may be admitted "for his loyalty to the King and Constitution." This form of expression is considered as connected with the exclusive political principles so long acted on by the corporation. If the individual proposed is married to the daughter of a freeman, the fact is alluded to in the petition as a reason for his admission; but we do not find that any right to such admission is recognised by the corporation. The proposition may originate either with the board of aldermen or the commons; the resolution to admit must pass both. Each body claims and exercises the power of rejecting at pleasure, and without assigning any reasons. Such admissions to the freedom of the city at large have been few since the passing of the Reform Bill. Previously to that Act they were numerous, and occasionally persons were so admitted in considerable numbers, and very many were non-residents.

CORPORATE BODY.

Shortly previous to the Emancipation Act being passed, propositions were made in the commons to admit at one assembly one thousand freemen, the parties proposing them reading the list of the names from the newspapers of the day; but such a proceeding being objected to as irregular, a committee was appointed to select such as it would be eligible to admit, and they selected above two hundred, who were admitted accordingly.

The lord mayor sometimes exercises the privilege of creating a freeman of the city at large, during his year of office, or rather of requesting the assembly to admit an individual named by him. There is in form a petition or beseech for the admission, stating it to be at the request of the lord mayor, which is in general acquiesced in.

Fees.

Persons admitted to the freedom of the city at large, pay the following Fees in addition to the stamp duty:—

Town-clerk . . .	£1	6	5	£1	16 7
Officer of Commons . . .		5	7		
Clerk of do. . .		4	7		

Admission of Freemen from the Guilds.

62. Persons who have obtained the Freedom of any of the Guilds are entitled to apply for admission to the freedom of the city at large. For this purpose the applicant lodges in the town-clerk's office a certificate signed by the master, wardens, and clerk of the guild, stating the admission to the guild, and the grounds of it, and his place of abode, occupation, and trade. The certificate from the guild of merchants describes the party as a merchant. The town-clerk then prepares a petition or beseech as from the person seeking to be admitted, which states those facts, and the beseech is laid before the next assembly.

The town-clerk in cases of admission by birth, first ascertains from the freeman's books that the name of the father of the applicant is entered in them, and that such a person has been twenty-one years a freeman. The commons, and board of aldermen, claim respectively to exercise, and have in fact long exercised, the important power of admitting or rejecting at their pleasure those applying from the guilds, whatever be the grounds of their claim, and without assigning any reason for the rejection.

In the year 1826, on a return to a mandamus directed to the corporation to admit a person who had obtained by birth the freedom of a guild, but had been rejected by the board of aldermen, they returned that from time immemorial they had exercised this right, and the Court of King's Bench, on argument, decided that the return was good in law.

The charters of some guilds, hereinafter noticed in the Report on those bodies, contain porvisions respecting freedom by apprenticeship, which appear to be compulsory on the corporation, but were not alluded to on the above occasion.

The beseech being read in the commons by the clerk of the commons, it is asked if any member for the particular guild vouches the applicant as a proper person to be admitted; it is frequently asked if he is in trade. If a member of the guild says "allowed," the question is then put on the beseech whether the applicant shall be admitted; but if no member vouches him, the question is not put, and the beseech stands over, but may be again brought on at a subsequent assembly.

The admission must pass both the common council and board of aldermen.

The entry of admission of a freeman as by service is expressed to be conditional, "if it shall appear by indenture;" and in consequence an inquiry takes place into the facts by a jury of twelve freemen, generally chosen from the members of the commons. The jury are sworn, and the indentures of apprenticeship are produced to them, and the service proved. The facts must be thus ascertained before the person admitted can be sworn in. Indentures of apprenticeship were formerly enrolled in the town-clerk's office, but this is not now required.

Fees.

On admissions of freemen previously admitted in any of the guilds, the Fees are the same as those above stated as payable on an original admission to the freedom of the city at large; and a sum of 1*l.* is paid to the corporation by each freeman so admitted from the guild of merchants, and of 10*s.* by each admitted from any of the minor guilds. Those admitted by service pay an additional fine of 2*s.* The further fee of 2*s.* 6*d.* is paid to the town-clerk for a certificate of the admission being granted.

The stamp duty is paid on the admission to the guild, and it is not considered requisite to pay a second stamp duty on admission to the freedom of the city at large. This practice is defended under the following clause in the Schedule to the Irish Stamp Act, 56 Geo. III. c. 56:

"Only one of the foregoing duties to be payable in respect of the admission of any one person into the same corporation."

Persons admitted free of a guild, and rejected by the board of aldermen or common council on applying for admission to the city at large, cannot in the greater number of the guilds complete their admission thereto, by taking the oaths required in the guild. This practice was stated to us to have originated in a mandate signed by the lord mayor, and made an order of the assembly in the year 1675, and sent to the several guilds, requiring them not to swear a free brother until he was first sworn free of the city. The mandate has not been obeyed in the guild of merchants, but, with few exceptions, which will be noticed in the Report on the Guilds, it is still obeyed by the minor guilds. The rule of those guilds, who observe it, is not to swear in a freeman until he produces a certificate from the town-clerk, of his having been admitted and sworn a freeman of the city at large. In the guild of merchants, and other guilds which do not obey the mandate, freemen may be sworn immediately on admission.

We have not found that the amount of the fees has tended to lessen the number of applicants for the freedom of the city, but it has occurred, that many of those admitted have

not come forward to take the oaths and pay the fees for a considerable time, until an election for representatives in parliament made it of sufficient importance to have their admissions completed. CORPORATE BODY.

The town-clerks occasionally give indulgence to the freemen of the minor guilds, and sometimes have given up the fees altogether, but generally they require the fees to be lodged with the certificate of admission to the guild, and do not return the amount to the applicant, though refused admission to the city at large, considering themselves entitled to retain it for their trouble in preparing the beseech, &c.

63. In Numbers the Freemen bear a very small proportion to the population of the city, a fact sufficiently accounted for by the discretionary power of rejection assumed by the board of aldermen and common council, as already noticed, and the exclusive religious and political principles on which those bodies and the guilds have hitherto acted. Numbers and condition of the Freemen.

Since the year 1793, the freedom of the corporation and guilds has been by law open to Roman Catholics, yet there is not known to have been, to the present time, a single individual of that persuasion admitted by the common council. The clerk of the commons, who has held that situation for many years, could only inform us, that he had heard of one who had passed inadvertently upwards of thirty years ago. In the guilds a similar system generally prevails, and even where a more liberal practice has existed, the experiment was defeated by the exercise of the discretionary power of rejection in the board of aldermen and commons. No Roman Catholics admitted.

The exclusion is not confined to Roman Catholics. The being known or suspected to be friendly to their claims, previously to the Emancipation Act, was equally effective to disqualify the applicant, though a Protestant; and the advocacy of what are called liberal or popular principles has formed, and still forms, a strong ground of objection. In short, the proceedings of the corporation as to the admission of freemen have been, and are, avowedly, conducted on the most extreme principles of exclusion, religious and political.

The freedom is consequently limited to a class which, though considerable in numbers and property, excludes a large proportion of the most wealthy and respectable gentry, and a majority of the trading and industrious members of the community. In our notices of the respective guilds, it will be found how little, from the same cause, the mercantile and operative classes really participate in the freedom of these bodies.

It is stated that many of the freemen, especially of the minor guilds, are not householders, but we had no means of ascertaining the numbers of those so circumstanced.

By many, and we presume conscientiously, the exclusion of Roman Catholics is defended and justified, by the language of the oath taken by freemen on admission, part of which is, that they shall take no apprentice unless he be free born. This oath appears to be very ancient; we could not ascertain the date of it.

Whatever opinion may be formed of the soundness of this interpretation, it is to be regretted, that a form should be in use which can thus be made the excuse, or the pretence, for the continuance of an exclusion the Legislature has so long condemned.

---

64. The board of aldermen and the commons form the Governing Body of the corporation. They assemble at the same times, but sit in separate chambers, except on the decision of petitions against the return of members to the commons, as already noticed. GOVERNING BODY.

The lord mayor presides at the Board of Aldermen, but has only a casting vote. He and at least eight of the aldermen must be present to constitute a quorum; this is the number stated in the New Rules. The only Acts which we have found it in the power of the board of aldermen to perform, without the concurrence of the commons, are the elections of the city treasurer and coroners. We have already alluded to this and to the functions of the board of aldermen and commons in the elections of the other officers of the corporation. Questions arising in the board are decided by open division. Their meetings are private. Board of Aldermen.

The sheriffs, or one of them, preside at all meetings of the Commons. The two sheriffs have but one casting vote, which (as they divide their official duty, by each taking it for a quarter of a year in rotation), devolves in practice on the acting sheriff for the quarter. Questions on which a division is sought are decided by ballot, which any member has the power to call for. It is requisite that one or both of the sheriffs and forty of the commons should be present to constitute a house. Their meetings are public, and strangers are admitted to a gallery called the freeman's gallery, the admission to which is not confined to freemen. It is considered that the admission of strangers is allowed by courtesy, and that the commons can order the gallery to be closed, but we have not been informed of any instance in which this has been done. Commons.

With the single exception we have noticed, all corporate Acts in the election of officers, admission of freemen, the management of the city revenues and estates, the making bye-laws, and every other matter relating to the concerns of the corporation, must pass both the board of aldermen and the commons.

65. The following detail of the Course of Business preparatory to and at the Assemblies, will shew the corporate functions and powers of each member of the governing body. There are four regular assemblies of the governing body in each year; these are called quarter assemblies, and named from the seasons at which they are held: they are Assemblies and Course of Business.

The Christmas,
The Easter,
The Midsummer, and
The Michaelmas Assembly.

CORPORATE BODY.

There are occasionally adjournments of these assemblies, and post assemblies are sometimes called by the lord mayor for particular business: he may call a post assembly by his own authority, but more usually does so on a requisition signed by at least forty members of both houses or of the commons. It is considered, however, as the law of the corporation, that the lord mayor may refuse to comply with such a requisition.

Abstract.

66. Previously to each quarter assembly the town-clerks prepare an Abstract of the business which is expected to come before the meeting. The board of aldermen are summoned by the town-clerks to meet on the day before that fixed for the assembly, when the abstract is laid before them. The attendance of aldermen at this preliminary meeting has latterly been very inconsiderable. No previous notice of the abstract is given officially to the members of the commons: on the day of assembly, copies of the abstract are laid before the board of aldermen and the commons, and regularly no other business can be done by either of these bodies at that assembly, without the leave of both houses given to its being inserted in the abstract; but latterly the commons have committed deviations from this arrangement or regulation, by passing resolutions not previously noticed in the abstract, and such deviations have been acquiesced in by the board. Nothing mentioned in the abstract can be brought before the commons unless passed first by the board of aldermen, and sent down to the commons for their concurrence. The commons or lower house may, however, originate a resolution not noticed in the abstract, and send it to the board. The lower house sometimes inquires of the board why matters mentioned in the abstract have not been sent down for their approval; but the board is not bound to assign any reasons for the omission, or for having rejected any particular proposition noticed in the abstract. Conferences are sometimes held between the board of aldermen and commons during the sittings of these assemblies: these are private; no corporate Act can be passed at them.

The direct power of the board of aldermen is considerable, they having in fact the first selection of individuals for all corporate offices except that of sheriff, and a negative control over all the proceedings of the assembly. It is stated that their influence in the commons is not now considerable.

How dissolved.

67. The lord mayor has the power of dissolving the Assembly, which he generally does, on the business of the day being disposed of, by going with one or two of the aldermen to the chamber in which the commons are assembled, and declaring it dissolved.

It is thought by some, that it is essential to the exercise of this power that the lord mayor should actually enter the chamber of the commons; and attempts have in consequence been made by that body occasionally to evade his authority, by keeping their doors closed. An instance of this occurred very recently, and several of the commons, with one of the sheriffs, actually remained in the commons' room two days and nights successively, in resistance to the authority of the lord mayor, who had declared the assembly dissolved. It was found on investigation that the attempt was not made in a way to raise the question sought to be agitated as to the independence of the commons, a sufficient number to constitute a house not having continued in their chamber on the first night.

Adjourned assemblies are sometimes held, and it has been found convenient to resort to the expedient of counting the house to terminate them.

Post Assemblies.

68. At the general quarter assemblies either house may originate a matter not noticed in the abstract, but at Post Assemblies the business is confined to that for which they have been called, and which is stated in the notice of the meeting served on each member.

Acts of Assembly.

69. The Acts of each Assembly are engrossed on parchment by the town-clerks, and at the next succeeding assembly are compared by the two junior aldermen with the original documents. They are then signed by the lord mayor and at least eight of the aldermen, and deposited by the town-clerks among the records of the corporation.

Committees.

70. The detail of the business of the corporation is performed in the intervals of the assemblies by several Committees, consisting of members of the board of aldermen and commons. The principal are standing committees, appointed, after each triennial election, for three years. The lord mayor, sheriffs, treasurer, and masters of the works, are *ex-officio* members of all the committees. The lord mayor appoints the aldermen who are to be members of each committee, and the commons elect by ballot those of their members who are to be associated with the aldermen; they generally elect for each committee double the number of aldermen appointed to it, and the members from the commons in each committee consist of a majority of the sheriffs' peers and representatives of the guild of merchants. The same individual may be a member of several committees. The pipe-water committee is the largest, and is composed of the lord mayor and sheriffs, the treasurer, the masters of the works and aldermen, and eighteen of the common council. The other standing committees are the

Committee for inspecting City Leases near expiring,
Finance,
For Conducting City Law Business,
For Examining Treasurer's Bills,
For Inspecting the management of Tolls and Customs,
For Letting the Beams and Scales,
For Inquiring into the Duties of Inferior Officers,
For Tontine,
For Conducting the City Business in Parliament,
For Care of the Furniture in the Mansion House.

CORPORATE BODY.

There are also temporary committees appointed for special purposes. The aldermen and commons do not receive any emolument for attendance at the assemblies or on committees.

FUNCTIONS AND EMOLUMENTS OF OFFICERS.

Lord Mayor, his functions and emoluments.

71. The Lord Mayor is the chief officer of the corporation. He presides at all assemblies of the board of aldermen, and is chairman of all committees of the common council.

He is civil and military governor, and chief magistrate of the city, but performs very few of the ordinary duties of a justice of the peace, except in cases of public riot and disturbance. He scarcely ever takes informations to be returned to the sessions or commissions, this duty being wholly performed by the magistrates of police in their respective divisions, and by the aldermen; he holds however in his magisterial character the court called the Lord Mayor's Court. As chief magistrate he is bound under the statute 2 Geo. I. c. 5, s. 3, on the breaking out of fires in the city, to repair to the place with his badge of office, and assist in the extinguishment of the fire, the prevention of theft, and the removal of goods.

The lord mayor is a justice of the peace for the county of the city; and also, by the statute 33 Geo. II. c. 16, s. 18, for the liberties thereto adjoining; but the same section of this Act provides, that nothing therein contained shall be construed to enable him to sit or act as a justice of the peace at any sessions to be held for the county of Dublin.

As a justice of the peace the lord mayor presides at the City Quarter Sessions, of which, by the 19th section of the 33 Geo. II. c. 16, the lord mayor, or the recorder, with two justices of the peace, are a quorum. The lord mayor always attends on the first day of the Quarter Sessions to open the sittings in form; but scarcely ever appears on the bench on any other occasion.

In all commissions of Oyer and Terminer and general gaol delivery, issued for the county of the city, the lord mayor is named a commissioner with the judges. The only duty he performs in this character is that of sitting on the bench at the opening of the commission.

He is chief judge of the lord mayor and sheriffs' court.

He grants certificates to bakers, and to beer and spirit dealers when about to apply for licences; he also issues half-yearly warrants to the collectors of the Grand Jury Cess, in the respective parishes of the county of the city: this he appears to do merely on the application of the treasurer, and ministerially, without exercising any discretion, or having any power of investigation.

He exercises a power of licensing all exhibitions and places of theatrical amusement save the theatre royal; and this jurisdiction is claimed over exhibitions at the annual fair of Donnybrook, which is held within the county of the city.

He is by charter clerk of the markets, and has the assay of weights and measures within the city, and the custody of the standard weights and measures; some of the duties attached to this branch of his functions are performed by the deputy clerks of the markets, and will be stated in our account of those officers.

The lord mayor exercises in person the power of entering all shops and warehouses within the city, and examining the weights and measures therein. If he finds them either unsealed, unstamped, or not according to the regulated standard, he seizes and condemns them, and imposes a small fine on the owner, which is generally paid immediately to the deputy clerks of the market, who attend him, and take possession of the condemned weights and measures. As clerk of the market, the lord mayor, accompanied by his deputies and staff-men, visits and inspects the markets frequently, and exercises jurisdiction in them. The objects of his inspection are the state of the markets as to cleanliness, the weights and measures used therein, and the condition of the provisions exposed for sale, which, if not of wholesome quality, he seizes and condemns on the spot as unfit for use. He also claims the power of removing the markets from one part of the city to another; and some lord mayors have not long since exercised this power in the instances of the pig and fish markets. In the case of the pig market, several persons in the trade being of opinion that the removal was effected not with a view to the interests of the public, but in order to benefit the owners of the new market, which was private property, resisted the change, and very considerable disorder and tumult took place, attended with great injury to trade. Two actions were brought against the then lord mayor, in one of which a verdict was had against him, and in the other for him. The costs and damages have been lately paid by the corporation, to the amount of 364*l.* 8*s.* 3½*d.* The corporation assert that the right in question was decided in their favour. The result, however, has been, that the pig market is now held in the old situation, adjoining Smithfield.

The lord mayor has also the regulation of the assize of bread within the city. This was first given by the statute 1 Geo. II. c. 16, a temporary Act, continued and amended by several other statutes from time to time, but finally repealed by the local statute 45 Geo. III. Loc. & Pers. cap. cvi. under which the assize is now struck.

The lord mayor enforces the observance of the assize as to weight, quality, and price, by examining the bread in bakers' and other shops, seizing and condemning such as he finds to be under weight, or of inferior quality. The forfeited bread is occasionally given to different charitable institutions, and sometimes distributed at the Mansion House, where it appears that the staff-men of the lord mayor frequently get a considerable share.

The lord mayor is, under the charter of Edward VI., Admiral of the port of Dublin. We do not find that there are any functions at the present day annexed to this office. A similar title, and it is no more, is that of Admiral of Baldoyle, a small creek near Howth:

CORPORATE BODY.

this is stated to be derived from the grant to the city by Henry VIII. of the possessions of the dissolved monastery of Allhallows, the prior of which religious house was made Admiral of Baldoyle, by an Act of the Parliament of Ireland, held at Naas, in the 18th year of Edward IV.

The lord mayor is, *ex officio*, under the statutes and charters of the respective institutions,

A Member of the Corporation for preserving and improving the Port of Dublin.
A Commissioner of Wide Streets.
A Trustee of the Royal Exchange.
A Governor of the Schools founded by Erasmus Smyth.
A Governor of the Hibernian Marine Society.
A Governor of the Hibernian Society for the care of Soldiers' Children.
A Governor of the Hospital for the relief of poor Lying-in Women.

The lord mayor was under the 13, 14 Geo. III. c. 46, s. 9, made president of the corporation of the poor of the workhouse of the county of the city of Dublin, but the government of this institution was altered by the statute 38 Geo. III. c. 35, and the lord mayor has not, as such, now any authority over it.

Salary.

72. The Salary of the lord mayor, paid directly out of the corporation funds, and fixed by an Act of Assembly, is 1,320*l.* of the late Irish currency; of this sum 800*l.* is charged on the port dues hereinafter noticed, called slippage and anchorage, and of this 800*l.*, 600*l.* is payable to the lord mayor during his year of office, and the remaining 200*l.* secured to him by a deferred warrant, which does not become due for about four years after his serving the office: the deferred warrant has been introduced within a few years past in consequence of the right of the corporation to those dues having been disputed, whereby the collection of them was stopped for about four years, until the right was established by a trial at bar in the Court of King's Bench; during this period the salary of the lord mayor for the time being was reduced by 200*l.* per annum, the remaining 600*l.*, previously payable out of the slippage and anchorage, being provided for by the corporation out of their other revenues. When the fund became again available, the corporation, instead of merely resuming the payment of the additional 200*l.* to the lord mayor for the time being, commenced by paying 200*l.* to the ex-lord mayor who had been the first loser, and so the payment of that sum is continued to each alderman in succession, who had served the office of lord mayor four years previous to the time of payment, and is secured to him in the mean time by the deferred warrant. If the produce of the slippage and anchorage for any year should fall short, so as not to leave a clear 600*l.* for the lord mayor of the current year after payment of the other charges on this fund, the deficiency is made good out of the other revenues of the corporation.

The remainder of the lord mayor's salary, which is 520*l.* of the late Irish currency, is secured by four bonds, payable with 2½ per cent. interest, at periods so remote, that Alderman Nugent, who served the office of lord mayor in the year 1826, states, that his last bond will not be payable until the year 1838.

The lord mayor is also entitled to what is called capon money, being the reservations in the corporation leases of capons, or a certain sum in lieu thereof, in addition to the fixed pecuniary rent. The city treasurer pays this money to the lord mayor, first deducting from it the rent of the Court of Conscience, being 46*l.* 3*s.* 1*d.* for the following year, being that in which the lord mayor for the current year is to be the president of that court. The capon money varies from about 90*l.* to 115*l.* per annum.

The lord mayor is also paid the sum of 500*l.* of the late Irish currency as chairman of the pipe-water committee; this sum is paid out of the funds of the pipe-water establishment.

The lord mayor usually farms the office of his secretary, and receives generally on account of that office a sum of 300*l.* for the year: the sum for which the office is let, and its receipts, which depend altogether on fees, vary considerably; the highest sum for which it has been stated to us to have been let was 350*l.*

The sources of revenue to the lord mayor in this department are the following fees payable to him, and which, when the office is not farmed, are accounted for to him by the secretary.

1. Fees payable in the Lord Mayor's Court; the nature and amount of them are particularly stated in our account of that court.			
*2. Fee on affixing the city seal on documents to be used abroad	£3	3	0
*3. Fees for sealing grand jury warrants, nineteen half-yearly, on each	1	8	6
*4. Fee signing baker's certificate	1	1	0
*5. Swearing constables, each	0	3	9
*6. Annual appointments of clerks of the market, inspector of the hay-market and weighmasters, each	11	16	0
*7. Licences for exhibitions, the amount paid for each varies according to the size of the exhibition and price of admission, from 1*l.* to 10*l.* The total amount of fees paid on exhibitions for the year ending 1st October, 1833, was	18	9	6
*8. Certificates for beer and spirit licences, each	0	2	6

The lord mayor is entitled to certain fees in the Lord Mayor and Sheriffs' Court on

* All these fees appear to be claimed by usage; we have not found any statutable authority for them. The fee, No. 2, must be a heavy charge on claimants of small property in the colonies. The fee, No. 7, has been disputed, and in one case was recovered back, by civil bill process, on appeal to the Court of Exchequer.

CORPORATE BODY.

affidavits to ground attachments and on taking bail: those fees were represented to us as not producing any very considerable sum; they are—

On affidavits	£0	1	6
Bail above 10*l.*	0	10	0
Ditto under 10*l.*	0	6	2

The lord mayor, or an alderman deputed by him, and to whom he farms the office, is president of the Court of Conscience for the year succeeding his year of office, and receives the emoluments of that court. These emoluments were represented to us as being usually about 1,500*l.* for the year.

The lord mayor also collects for himself, through an officer of the custom-house, a sum of 2*s.* 6*d.* on each coal vessel coming into the port of Dublin.

He also claims and receives a certain quantity of oysters, about 600, from each cargo discharged in the river.

We are unable to refer to any charter or grant authorizing the demand of these dues, for which no special consideration is given by the lord mayor.

These several sources of emolument amount to about 4,000*l.*

The lord mayor has also, for the year, the use of the City Mansion House as his residence, suitably furnished, and is entitled to, or at least allowed, a free admission for himself to the theatre royal, and all other places of public amusement, and also a certain number of free transferable tickets for each night of performance.

The office of lord mayor, chiefly from the expenditure in entertainments, cannot be considered one of profit; the expenses are immediate, and often exceed the amount of the receipts, which come in slowly. The newly-elected lord mayor is always under terms to give, on the 30th of September, the day after he is sworn into office, a public dinner, which is very expensive, and he is besides expected to maintain, throughout the year, considerable hospitality. The whole expense of the office seldom falls short of 4,000*l.*, and has often much exceeded that sum.

In addition to the salary, it was formerly usual to grant to each lord mayor, by vote of the assembly, on the expiration of his year of office, a sum of 1,000*l.* This grant has been discontinued for some years, in consequence of the heavy debts incurred by the corporation. The grant was considered a complimentary gift to the lord mayor, which it was in the power of the commons to withhold, if dissatisfied with his conduct while in office; and it was, in fact, withheld for some years from one of the present aldermen, whose political conduct during his mayoralty was not in conformity to the exclusive doctrines of the corporation.

Aldermen, functions of.

73. The Functions and powers of the Aldermen as members of the common council have been already stated.

The aldermen are justices of the peace for the city, and adjoining liberties, under the 33 Geo. II. c. 16, s. 18, but with the same provisions as stated in reference to the lord mayor and sheriff, against their sitting or acting as justices of the peace at any sessions for the county of Dublin.

They attend as justices at the Court of Quarter Sessions, of which, by the 19th section of the same statute, two justices of the peace, with the lord mayor or recorder, form a quorum. It is consequently considered necessary that, at least, two aldermen should attend to constitute a court, they being the only justices for the county of the city, except the sheriff, lord mayor, recorder, and paid police magistrates. The business of the court has, at times, been considerably delayed from the non-attendance of aldermen; but the sittings, by the present arrangement, being held once in every month, the aldermen have latterly adopted a system of rotation, allotting two to each month, by which the duty of attending the court is equally divided among them, and the recorder states that since this system has been adopted the attendance of aldermen has been more punctual.

The aldermen interfere but little in the business before the court; they take no effective part in the trials, except in agreeing with the recorder upon the sentences to be pronounced.

Four of the aldermen are divisional magistrates of the police of the city, under the statute 48 Geo. III. c. 140; their functions and emoluments as such will be stated in the part of this Report relating to the police establishment.

By that Act six of the divisional magistrates of police thereby created were to be aldermen, three to be appointed by the lord lieutenant, and three to be elected by the common council, subject to his approbation. The mode of election pointed out in section 6 of the Act is, that the lord mayor and aldermen, or the usual quorum of them, should return the names of nine aldermen, nominated by them, to the commons, who should elect three of those so returned. By the 5 Geo. IV. c. 102, s. 2, the lord lieutenant was empowered to reduce the number of divisional justices to twelve, of whom four should be aldermen, and two of those to be such aldermen as were originally elected by the corporation; the remaining six justices were to be superseded at two-thirds of their salaries, or attached to the divisional offices as supernumeraries, from whom vacancies should be filled up until the entire number of divisional justices were reduced to twelve, and vacancies are, from time to time, to be supplied by the corporation, whenever occasioned by the death, removal, or resignation of either of the two aldermen originally appointed by them, in case there should not be any aldermen among the supernumerary magistrates; this is now the case.

One of the aldermen attends daily at an office called the Rotation or Crown Office, at the sessions house, and acts there in his magisterial capacity; the hours of attendance are from eleven to four. This duty is divided among the aldermen by a weekly rotation, and those to whom it is inconvenient to attend, depute others in their place; two sometimes attend in

CORPORATE BODY.

cases requiring that number. None of the aldermen, who are police magistrates, attend at this office. The sitting alderman of the week signs the summonses. The cases brought before him are principally informations for assaults and complaints respecting apprentices. In criminal cases he takes the informations, and binds the parties to prosecute. He also, in cases requiring it, binds the parties to keep the peace; apprentices are sometimes committed by him to the house of correction. None of the powers of summary jurisdiction conferred on magistrates by recent statutes are exercised at this office; informations which have been refused at the police office may be, and sometimes are, taken here, and by some this rotation office is said to be beneficial to the public, and a wholesome check on the police offices.

By the 27th section of the Police Act, 48 Geo. III. c. 140, all justices of the peace are prohibited from taking fees for anything done in the execution of their office within the limits of the police district of the metropolis, save at the public offices, "provided always, that nothing herein contained shall extend or be construed to extend to prevent the lord mayor of the City of Dublin, or the president of the Court of Conscience, or of the Crown Office, or the magistrate attending in the Rotation Office for the time being, from receiving such fees as they are by law entitled to."

Fees are accordingly taken by the alderman of the week attending at this office, which are the same as those taken at the police offices;—formerly the entire of these fees was appropriated by the sitting alderman to his own use, and a presentment was made by the quarter sessions grand jury of 150*l.* a year for the clerks of the Rotation Office; that presentment was discontinued when Sir Jonas Green was recorder, he having refused to fiat it as not being warranted by law, and since then the alderman of the week allows 1*l.* out of the fees to a clerk who attends the office. The business of the office has much declined of late years, and the emoluments have been reduced in proportion; the entire receipts are now about 2*l.* each week; they have formerly been so high as 5*l.* A bailiff, appointed by the aldermen, serves the summonses, and executes the process issued from the office.

As to the utility of this office, there appears no reason for supposing that the duties performed at it could not be adequately discharged at the public offices of the police establishment, and the decline of business at the office is some evidence of the general opinion of the public not being in its favour.

Except in occasionally taking affidavits, the aldermen who are not police magistrates do not perform any other functions of justices of the peace.

In the 8 Geo. I. c. 10, s. 3, respecting the Dublin watch, an Act which is long expired, mention is made of aldermen of the wards and deputy aldermen, and much earlier notices of them are contained in the books of the board of aldermen, called Monday Books. These titles, and the divisions of the city into wards, appear to have been connected with the preservation of the peace under the then existing arrangements, which have been long superseded by the more modern Police Acts. There is not any evidence of the aldermen ever having been elected by the wards, and the title of aldermen of wards is now unknown.

Except the trifling receipts of the Rotation Office, the aldermen have not as such any pecuniary emoluments.

All the aldermen are governors of the Blue Coat Hospital; and two of them, elected by the governors of that Hospital, are governors of Erasmus Smith's schools.

Three aldermen, elected by the lord mayor and aldermen, are members of the corporation for preserving and improving the port of Dublin, under the statute 26 Geo. III. c. 19, s. 11.

The following is a list of the present aldermen, shewing the times of their respective elections:—

	Sheriff.	Elected Alderman.
Frederick Darley, Police Magistrate	1797	1800
Sir William Stamer, Bart. ditto	1794	1800
Sir Abraham Bradley King, Bart.	1800	1805
John Claudius Beresford, Esq.	*	1808
Sir Robert Shaw, Bart.	*	1808
Sir Thomas M'Kenny, Bart., Deputy Lieut. of the City	*	1811
Sir John Kingston James, Bart., City Treasurer., Dep. Lt.	1810	1818
John Smith Fleming, Police Magistrate	*	1816
Rd. Smyth, Esq., Chief Commissioner of Paving	1813	1817
Thomas Abbott, Esq., Deputy Lieut.	*	1817
Samuel Wilkinson Tyndall, Esq., Police Magistrate	1814	1819
Sir Edmond Nugent, Knt.	1805	1820
Alexander Montgomery, Esq.	1806	1820
Jacob West, Esq.	1812	1821
Sir William Whelan, Knt.	1821	1823
Charles Palmer Archer, Esq.	1814	1823
Sir George Whiteford, Knt.	1820	1824
Arthur Perrin, Esq.	1823	1825
William Dixon, Esq.	1816	1827
Arthur Morrisson, Esq., Dep. Lieut.	*	1829
William Hodges, Esq.	1827	1830

* Did not serve in the office of sheriff.

	Sheriff.	Elected Alderman.
Samuel Warren, Esq.	1824	1830
George Hoyte, Esq.	1829	1832
Joseph Lamprey, Esq.	1824	1832
Sir Nicholas William Brady, Knt.	1820	1833

With few exceptions, the aldermen have residences in Dublin, or the vicinity.

Sheriffs, functions of.

74. The Sheriffs are, under the fourth of the new rules, and by ancient custom, the presidents of the commons, and no valid assembly of that house can be held without one of the sheriffs being present.

The presence of a sheriff is also essential to the validity of the acts of the committees of the common council.

The sheriffs appear formerly to have been the receivers of some parts of the rents of the corporate estates; and the second of the New Rules requires that the treasurer, *sheriffs*, and all other receivers of any part of the revenues of the city for the time being, shall thereafter, yearly, within six months next after the expiration of one whole year, wherein they shall serve in the execution of their respective offices, render unto the auditors of the city, or the usual quorum of them appointed or to be appointed for that purpose, a true and perfect account of all money (being any part of the revenues of the city) received by them within their respective years of office, and to pay the sum appearing due, to the treasurer, on pain of disfranchisement by the lord mayor and aldermen, or, in their default, by the lord lieutenant, or other chief governor or governors, and council of Ireland, and to be from thenceforth incapable, without their licence, of being restored to their freedom.

The sheriffs, by the 33 Geo. II. c. 16, s. 18, are constituted justices of the peace within the city and adjoining liberties, with the lord mayor and aldermen, but with the same provision against sitting or acting as justices of the peace at any sessions to be held for the county of Dublin.

Their general functions and powers in the preservation of the peace, and the execution of the process of the superior courts, return of juries, &c., are similar to those of sheriffs of counties at large, but, from their position in the metropolis, much more important and extensive.

They empannel and return the grand juries in the Court of King's Bench, the Commission Court, and Court of Quarter Sessions for the county of the city of Dublin; petty juries in all cases criminal and civil in the superior courts, where the venue is laid in the county of the city; the grand panel for striking special juries; petty juries in the Commission Court, and Court of Quarter Sessions; juries on writs of inquiry; market juries; and juries under the Wide Street, and other special Acts of Parliament for the valuation of houses or grounds to be purchased for local improvements.

They are required, by themselves or their deputies, to give daily attendance in the Court of King's Bench, and the other superior courts of law, the Commission Court, and Court of Quarter Sessions, during their sittings.

They are judges of the City Record Court.

They are the returning officers on elections of Members of Parliament for the county of the city of Dublin.

They execute the precepts of the Wide Streets, Paving, and other local Boards of commissioners for the delivery of possession of houses of which valuations have been made by juries for the purposes of those bodies.

It is their duty also to execute the precept or warrant of the Quarter Sessions Court for the abatement of nuisances.

They are *ex-officio* members of the corporation for preserving and improving the port of Dublin, governors of the Blue Coat Hospital and Lying-in Hospital, trustees of the Royal Exchange, and commissioners for the improvement of St. Stephen's Green.

They appoint a sub-sheriff, who gives them security to the amount of 20,000*l*.

Sheriffs' Office, Officers in.

The other Officers acting under the sheriffs, and in their names, but who are generally appointed (at least nominally) by the sub-sheriffs, are

A Chief Clerk,
Returning Officer,
Auctioneer,
Summoner of Juries,
Three principal Bailiffs (who appoint their own assistants).

The sheriffs appoint the keeper of the sheriffs' prison.

It is provided by the statute 29 Geo. II. c. 15, s. 1, that no person or persons shall be admitted into, or take on him, or presume to execute or officiate by himself, or any one in trust for him or his use, the office or duty of an under-sheriff, sheriff's clerk, or county clerk, within the city, county of the city, or county of Dublin, who had, within the space of ten years before his admission therein, executed, officiated, or exercised any of the said offices or duties in the said city, county of the city, or county of Dublin. The penalty of 500*l*. is imposed by the Act on every breach of this enactment; the provisions of which are, however, in substance habitually violated in the sheriffs' office of the city of Dublin. Individuals continue there for years, nominally acting as clerks, but really as under-sheriffs, the ostensible under-sheriff being merely their nominee.

The conduct and management of the sheriffs' office, as ministerial to the superior courts, and in the execution of writs, is committed entirely (save some occasional interference with the returns of the panels of jurors,) to the sub-sheriff or sub-sheriff's clerk; and the high-sheriffs are both virtually and positively excluded from all interference therewith.

CORPORATE BODY.

The office of sub-sheriff is of late generally farmed, sometimes to the sub-sheriff, sometimes to a clerk who proposes to the high-sheriff a nominal sub-sheriff, and it has happened, one not previously known to the high-sheriff. The terms of arrangement vary; sometimes a division of the profits into three parts takes place, one-third to each high-sheriff, and one-third to the sub-sheriff. Sometimes a sum certain is secured to the high-sheriffs. In a late instance the arrangement was—first, to defray the actual expenses, then to pay 2,400*l.*, if so much should be received, to the high-sheriffs; the surplus, if any, not exceeding 800*l.*, to be retained by the sub-sheriff; any further surplus to be paid to the high-sheriffs; so that if the profits did not give more than 2,400*l.* above actual expenses, the sub-sheriff could receive nothing. (It is said these terms are generally fixed by deed perused by the recorder.) In this instance the sub-sheriff received about 400*l.* for his own labour.

For the year ending Michaelmas, 1833, the arrangement was made by the high-sheriffs with two gentlemen, one of whom was clerk in the office, and nominal returning officer; the other a former sub-sheriff, and actual returning officer. It was to this effect:—the high-sheriffs to receive 1,500*l.* each, the two clerks, with whom the arrangement was made, the surplus, not exceeding 800*l.*, out of which they were to pay the nominal sub-sheriff 80*l.*, and a friend of his, who assisted in some of the official duties, 20*l.* There was no surplus, nor even 3,000*l.* received, though the auctioneer paid 400*l.* for his appointment, which went to the sheriffs, as part of the receipts of the office for the year; so that the acting sub-sheriffs, who were also the clerk and returning officer, received no emolument or remuneration whatever, but sustained loss of money as well as time and labour. The sub-sheriff was a student in college at the time, without any experience in the office, and with whom the high-sheriff had no previous acquaintance.

On a former occasion, in like manner, the person appointed sub-sheriff was merely nominal, getting 100*l.* from the clerks at whose instance he was named, who negotiated the matter, and were the actual and real lessees of the office, and divided the surplus produce of the office, (that year 1,000*l.* above the high-sheriff's share, which was 3,000*l.*)

One result of such arrangements is, that the important duties and powers of this high office—amongst others, the execution and return of all writs, the selection of jurors, and formation and return of panels, devolve upon, and are actually and almost exclusively conducted and executed by, mere clerks, irresponsible and unknown to the law; for it is expressly admitted, (and on this entire matter our Report is mainly, if not altogether, founded on the evidence of the high-sheriffs themselves and of the clerks), that the high-sheriffs conceive they cannot, with safety to their bargain, interfere at all in the performance or exercise of those duties or authorities; and also that the sub-sheriff is a mere nominal officer, without experience, who attends only where his presence is necessary in point of form. It is in evidence before us, that the sub-sheriff signs the official warrants in blank, and leaves them in the office to be filled up under the direction of the clerks.

In those unrecognised, irresponsible clerks are deposited also the selection and nomination of all the inferior officers connected with the office, to whom the execution of writs is actually intrusted. It appears on the same evidence that the bailiffs defray a considerable proportion of, if not all, the rent of the sheriffs' office; and the auctioneer pays a rent or sum of from 200*l.* to 400*l.* per annum for his office, and has been permitted to charge, or rather sustained and countenanced in charging, 5 per cent. on the amount of all sales, above the legal fees defined by statute, and payable to the sheriff. Sometimes the sheriffs hire the auctioneer at a stipulated salary, yet charge the debtor 5 per cent. as for auction fees. Sometimes the arrangement between the sheriff and auctioneer is, that they shall divide this 5 per cent. so illegally charged, and which is extorted by all the formidable powers the officer of the law possesses over the debtor under execution. The consequences are not merely calamitous to the distressed debtor—they not unfrequently appear in obstacles to the fair creditor—in the difficulty of levy from a wealthy defendant, or in the face of a friendly execution.

We have had in evidence cases of considerable hardship, arising out of the misconduct of the auctioneer, with whom the sub-sheriff or clerk (as they declared) considered he could not decisively interfere, without endangering the rent of the office, even in cases where he disapproved of his demand, nor the high-sheriff, with safety to his stipulated sum and indemnity deed.

The policy, if not the strict letter of the statute 12 Geo. I. c. 4, s. 7, which prohibits sheriffs from letting their offices to farm, is thus violated in all the arrangements of the sheriffs' office of Dublin; and a direct motive and interest are created in the officials by whom the actual business is performed, to make their bargain profitable by the exaction and levy of fees.

Fees in.

The following is a list of the Fees demanded in this office, as returned to us:—

"On amount levied under a Writ of Fieri Facias for the first 100*l.* one shilling in the pound, and for every pound over 100*l.* sixpence. The like fees on the sum marked at the foot of a Writ of Capias ad Satisfaciendum—when executed.

	£.	s.	d.
For executing a Writ of Habere Facias Possessionem	2	6	2
On a Writ of Inquiry of Damages	1	11	6
For taking Bail on a marked Writ and Discharge	2	10	0
For executing a Writ of Replevin, taking Bail, Warrant, &c.	2	10	0
For discharging a Defendant under a marked Writ	0	10	1
For executing a Writ of Habeas Corpus	0	3	4

	£.	s.	d.
For serving a Defendant with a Summons under a Writ of Scire Facias	0	3	4
For every Nil on ditto	0	1	0
For proclaiming under a Writ of Outlawry, Affidavit, &c.	1	0	0
For a Warrant on a marked Writ	0	2	4
For a Search for Fi.' Fa.'s	0	3	4
For Panel to Writ of Venire Facias	0	2	6
Ditto to Distringas Juratores, and summoning Jury	0	3	4
For a Grand Panel to strike a Special Jury	3	3	0
Special Distringas on ditto	0	6	8
Tales	0	3	4
Search for Detainers against a Defendant in Custody	0	3	4
For summoning a Peer or Member of Parliament	0	3	4
For signing Warrant, on Civil Bill Decree	0	1	0
Ditto for Habere under ditto court	0	1	0

The fees on writs of execution in the above table are those given to sheriffs by the statute 6 Anne c. 7, s. 3, which expressly limits the sheriff's demand of this rate of poundage on writs of Fieri Facias to the amount which the goods taken in execution shall be valued at, or amount unto, and as he shall levy and pay over to the plaintiff.

In practice the payment of this poundage, and of the other fees of the office on writs of execution, is not confined to cases of actual sales. The debtor sometimes compromises the debt with the plaintiff, sometimes gains time, or procures the entire withdrawal of the execution. Plaintiffs also, in the expectation of such compromises, or from friendly motives towards the debtor, often direct the sale to be postponed; but, in these cases, it seems to be the understanding and practice of the office, that the sheriffs' concurrence in the arrangement is not to deprive them of the fees; and actual payment of the fees and poundage, on the full amount of the sum marked in the writ, is accordingly required, in the first instance, to prevent their making an immediate sale, even against the wishes of both parties, and without any reference to the ultimate result of the proceedings, or the value of the goods seized. The auctioneer's fees have also been exacted on such occasions by that person, under threats of an immediate sale; although the demand of such fees, in any case, appears to be a violation of the provisions of the statute above referred to, the poundage thereby given being, we apprehend, intended to remunerate the sheriffs for all the expenses of the levy. The court of exchequer, in a late instance, the details of which were laid before us, awarded restitution with costs, of auctioneer's fees, very oppressively extorted in this way, in a case in which the writ was ultimately withdrawn; and after a distinct intimation from the sheriffs' office to the auctioneer, that the plaintiff's attorney had desired nothing to be done harshly or immediately, but which was accompanied by a statement that the sheriff's fees had been paid, and "to make his (the auctioneer's) as light as he could."

It is complained, by persons whose goods have been sold under executions, that they find difficulty in obtaining from the sheriffs' office accounts of the proceeds and of their disposition. General statements not shewing the particulars of the sheriff's charges are the only documents stated to be furnished, and from which the parties interested have no means of distinguishing the legal fees.

A further fee, in cases of execution, and not specified in the above table, is sometimes demanded, of from 13*s.* 4*d.* to 1*l.* 6*s.* 8*d.* This is called a lodgment fee, and seems to be demanded chiefly on friendly executions.

A fee of 5*l.* 5*s.* is paid to the sheriffs by the commissioners of Wide Streets, for returning each panel of a valuation jury; and a fee of the same amount appears to be paid for returns of juries on commissions of lunacy.

In other respects the above list appears to contain a correct statement of the official fees of the sheriffs' office.

The sheriffs are entitled to some fees on proceedings in the City Record Court, and presentments are made to them by the Court of Quarter Sessions in lieu of fees on prisoners. The amount of presentments to the sheriffs for the year 1833 was 368*l.* 4*s.* 10*d.*

The fees of the Record Court, and the sums presented, are not granted to the sub-sheriff, but are directly received by the high-sheriffs themselves.

Juries returned by them.

We have mentioned the several grand and other Juries which are empannelled by the sheriffs. It is necessary here to notice the composition of those juries in detail.

Term Grand Juries.

The first and most influential of them is the Grand Jury, usually called the Term Grand Jury, returned to and sworn in the Court of King's Bench every term, for the county of the city of Dublin. This jury, as will be more fully stated in the subsequent part of this Report, relating to the local taxation of the city, possesses and exercises extensive powers and functions in the assessment, levy, and appropriation of a tax called Grand Jury Cess, imposed on the city; and which, in the years 1833 and 1834, amounted to the sums of 29,780*l.* and 30,528*l.* Various Acts of Parliament have constituted this body the managers of important public works and establishments, and the electors to many public offices, and confided to them the control over the collection and expenditure of the tax we have mentioned, the selection of the officers and contractors through whom it is to be disbursed, and the audit of their accounts of the expenditure. The powers and patronage of the Term Grand Juries are therefore very considerable, and their due exercise of much interest to the citizens at large.

CORPORATE BODY.

Practically these powers and patronage have long been vested in the members of the corporation. The Term Grand Juries are generally composed of the aldermen and sheriffs' peers and members of the guild of merchants, and other guilds. In the panel of the Term Grand Juries, returned by the sheriffs, the names of the members of the board of aldermen are placed at the head, with the exception of such of them as are police magistrates, or not resident within the county of the city. This reduces the number of aldermen returned to about sixteen. The practice is stated to be to return the names of bank directors alternately with those of sheriffs' peers after the names of the aldermen. The members of the corporation summoned are stated to attend more punctually than other persons. A few Roman Catholics are occasionally returned: an alderman, who stated that he supposed he had served twenty grand juries, said, that he had probably served with three Roman Catholics. Other individuals, not members of the corporation, are also occasionally sworn on these juries; but the great majority (especially in the Easter and Michaelmas terms, which are those in which the public money is presented) has for many years been composed of aldermen and other members of the corporation; and the introduction of other persons is rather remarkable as an exception to the general practice, than as serving in any way to diminish the predominant corporate influence. The evidence given before the committee of the House of Commons, on Municipal Corporations in 1833, (in page 245,) shews the prevalence of this system, and the numerous attendance of aldermen and other members of the corporation on those juries.

The composition of this jury, thus selected from the leading members of an exclusive political body, has long been the subject of much jealousy, and, in our opinion, well-founded complaint, on the part of a large portion of the citizens of Dublin.

Quarter Sessions Grand Juries.

The Quarter Sessions Grand Jury also possesses powers of presenting, for certain purposes, sums to be defrayed by the Grand Jury Cess. The objects of their presentments are limited, and the sums presented are about 3,400*l.* in the year. A sheriffs' peer is usually the foreman of the jury. Of late years, it does not present any very uniform or marked distinction in the number of jurors belonging to the corporation; but of 183 persons, who appear to have composed fourteen quarter sessions grand juries, it has been stated that only eight were Roman Catholics.

Special Juries.

The arrangement of the grand panel of freemen, freeholders, &c. from which special juries are struck in the superior courts, is deserving of peculiar notice, in relation to the functions of the sheriffs, as connected with the administration of justice on the most important occasions. It is calculated to preserve a predominant influence in the party to which the corporation is attached, in the selection of jurors on political trials. This subject was brought before the committee of the House of Commons on Municipal Corporations in 1833, on whose Report the present Commission was issued, and much evidence relating to it will be found in the printed minutes of the evidence given before that committee. The aldermen and sheriffs' peers appear by custom to be considered as holding stations entitling them to precedence in the panel, although, except the limited amount of qualification required from the sheriffs (the mode of ascertaining which is, as we have seen, not always practically enforced), the possession of these offices does not necessarily imply any paramount title on the ground of property to this position. In the panel of 1833, upwards of 100 names occur, including those of all the aldermen and sheriffs' peers, before that of a Roman Catholic likely to attend, if selected. The entire numbers on that panel are 714, and of the whole only about seventy-nine are Roman Catholics. From the mode of striking the juries, it is alleged, and appears probable, that a jury may be entirely composed of the foremost names on the panel, to the consequent exclusion of any, save members of the corporation and individuals of the same political party. Their observation of the juries sworn under this system on political or party trials, combined with the strong exclusive and anti-catholic opinions avowed and acted on by the corporation, put forward by the candidates for the office of sheriff in the pledges required from them by that body, and afterwards observed by those officers in their civic entertainments, have naturally produced in a numerous class of the citizens a deep-rooted feeling, that the exercise of this important branch of the functions of the sheriffs is on such occasions affected, if not guided, by their known or suspected political partialities. This want of confidence in the impartiality of these officers has been strongly expressed in evidence before us. Without imputing to individuals a deviation from what they conscientiously believe to be their proper line of duty, it may we think be safely asserted, that circumstances place the sheriffs appointed by the corporation in a position unfavourable to the observance of that impartial and independent conduct, which ought to be preserved by all concerned in any branch of the administration of justice. The political qualifications which are understood to be the best recommendation to the office, imply the adoption of the opinions and the support of the ascendancy of a party. Deriving their office from the corporation, and often looking to it for future advancement in corporate dignity, the sheriffs cannot, in ordinary cases, be expected to adopt any changes in the system of empannelling and returning jurors, which would tend to diminish the influence of the body at large, or of its members—an influence in which as sheriffs' peers they thenceforward expect to share. In a recent instance, where one of the high-sheriffs properly departed from the accustomed course of summoning Valuation Juries, by introducing in fair proportions the names of individuals not members of the corporation, he stated to us, that his conduct in doing so was complained of by corporators, who seemed to consider it a matter of right in the members of the corporation to be summoned on those juries. The constitution of the corporate body precludes the prospect of any very important spontaneous change taking place in its character, which would render it less objectionable to the large population

CORPORATE BODY.

now excluded from it. The position of the sheriffs is dependent on the body, by whom they have been elected, and may be further promoted. A legislative reform of the corporation itself, or alteration of the mode of electing these important functionaries, seems to us essential to give to the administration of justice in the metropolis that entire public confidence with which it should be attended in every well-regulated community.

Valuation Juries.

The Valuation Juries are paid by the board to whom they are returned at the rate of a guinea a day to each juror. This arrangement was made some years back, and the consequence appears to be that those juries have been usually composed of members of the corporation. We have above alluded to the change made on a late occasion by one of the sheriffs. This gentleman stated to us that the original panel of that jury, furnished to him from the acting sub-sheriff, was composed exclusively of corporators, and that the sub-sheriff claimed the right of returning these juries, the object of which he supposed to be, to obtain patronage.

Petty Juries.

The conduct of the sheriffs' office in relation to the return of petty jurors, on trials by Nisi Prius in the superior courts, is regulated by the 40 Geo. III. c. 72, which, reciting that the county of the city of Dublin contained many persons qualified to serve as jurors, but from the carelessness and misconduct of the sheriffs, under-sheriff, coroner, or other officer, to whom the summoning and returning of jurors usually belonged, the burthen of serving upon juries fell upon a few, to their great grievance and oppression, enacted "that no person should be summoned and returned to serve on any jury or juries in more than one of his Majesty's Courts of King's Bench, Common Pleas, or Exchequer, during the same term, or the respective sittings after term of the said courts,"—and that no sheriff, &c. should summon or return any person who had served as a juror in the Court of King's Bench, &c. for the space of two terms after such service.

We have not had any complaints by individuals of the violation of these provisions by the sheriffs, but there are a few persons who it is stated are anxious to attend on these juries, and are frequently on them, it is believed, from a view to the small fee paid to the jurors. Their punctuality of attendance is assigned as the reason for their being summoned, and it is admitted that in respect to them the statute is not observed. The class of jurors returned on these panels has been improved of late years.

In the evidence given before the Commissioners of Inquiry into the Fees and Emoluments of Courts of Justice, and published in their 15th Report in the year 1826, (pp. 61, 64, and 483 to 533,) we find a case of the direct packing a jury for a criminal trial, at the Court of Quarter Sessions, at the instance of one of the parties. No evidence has been laid before us of any similar abuse in that or any of the other courts to which jurors are returned by the sheriffs of the city, and the return of grand and petty jurors to the Commission Court and petty and market jurors to the Court of Quarter Sessions on ordinary occasions does not present any peculiar grounds of observation.

The mode of summoning jurors on writs of inquiry is highly objectionable. This duty is left to the bailiffs of the sheriffs' office, who are sent out without any list or panel to summon whom they please for the occasion.

Emoluments.

The emoluments of each sheriff from the fees of the office may be estimated at from 1,300*l.* to 1,500*l.* per annum. A small proportion of the slippage and anchorage dues, mentioned in our account of the office of lord mayor, is paid to the sheriffs—it seldom exceeds 25*l.* to the two sheriffs.

The disbursements of the sheriffs' office are stated to be about 800*l.* in payment of clerks, &c. The summoner of juries is paid 80*l.* per annum. The bailiffs do not receive any salary or allowance from the sheriff, they are paid for their services by the attorneys who employ them in the execution of process. They give security to the sheriffs in 2,000*l.*

The expenditure made by the sheriffs during their year of office is considerable. They keep handsome equipages, and are expected to give a series of civic entertainments to the aldermen and other members of the common council, the city officers and other persons connected with the corporation. These expenses generally amount to, and sometimes exceed the sheriffs' receipts from the office.

Common Councilmen, functions of.

75. The members of the commons have not, as such, individually any functions or emoluments.

The sheriffs' peers are alone eligible to the office of alderman, and they are governors of the Blue Coat Hospital.

By the Dublin Police Act, 48 Geo. III. c. 140, already noticed, six of the divisional magistrates are to be sheriffs' peers, three to be appointed by the lord lieutenant, and three elected by the common council. The number has been reduced to four by the 5 Geo. IV. c. 102. The provisions for their election, and for supplying vacancies among them, are precisely the same as those stated in reference to the aldermen, as police magistrates, in our account of those officers. At the time of our inquiry there was one supernumerary sheriff's peer, John Tudor, Esq., attached to the head office of police; but this gentleman has been since appointed to another divisional office, in the room of Sir Garrett Neville, deceased.

The following is a list of the present sheriffs' peers:—

	Elected Sheriff.
John Semple	1802
James Blacker (Police Magistrate)	1804
Montiford J. Hay	1804
John Tudor (Police Magistrate)	1804
Henry Charles Sirr (Police Magistrate)	*
Richard Manders	*

* Did not serve in the office.

CORPORATE BODY.

	Elected Sheriff.
Leonard Ogilvy	*
Hickman Kearney (Commissioner of Paving)	*
John George	1807
Sir Edward Stanley, Knt. (Local Inspector of Prisons)	1808
Brent Neville	1809
George Studdart (Police Magistrate)	1811
William Long	1817
Robert White	1818
William Wood (Keeper of the Sheriff's Prison)	1818
George Newcombe	1819
Charles Thorpe	1822
John Lloyd	*
Samuel Lamprey	1823
James Moore	1825
John Alley	1825
Sir Thomas Charles Yates, Knt.	1826
Henry Bunn	1826
Sir David Roose, Knt.	1827
Ponsonby Shaw	1828
Patrick Flood	1828
William Scott	1829
John Mallet	1830
George Halahan	1830
John Keating Taylor	1831
Sir George Preston, Knt.	1832
Sir William Wainwright Lyner, Knt.	1832
Sir Drury Jones Dickinson, Knt.	1833
Sir Richard Baker, Knt.	1833

Recorder, his functions.

76. The Recorder is, by the charters of Richard III. and 17 Charles II., a justice of Oyer and Terminer and general gaol delivery, and a justice of peace within the city. He is also, by the 18th section of the 33 Geo. II. c. 16, a justice of the peace for the liberties thereto adjoining.

The 19th section of the same Act constitutes the lord mayor, or recorder, with two justices of the peace, a quorum of the city Quarter Sessions. In practice, the recorder is the acting president of the court; the lord mayor only attending to open it, as already stated. According to the 39 Geo. III. c. 55, s. 4, no trial can be proceeded upon, except in the presence of the recorder, or his sufficient deputy, being a barrister of six years' standing. Save as a member of this court, the recorder does not transact any magisterial business.

Although, by the charter above mentioned, the recorder is named a justice of Oyer and Terminer and general gaol delivery, and from his judicial character, habits, and experience in the Court of Quarter Sessions, would seem a more eligible officer to be joined in commission with the judges than the lord mayor, yet he never is so associated.

By the 31 Geo. II. c. 16, the recorder is empowered to hold a Civil Bill Court twice in the year, "to hear and determine in a summary way, by English bill or paper petition, all disputes and differences between party and party, arising within the liberties and jurisdiction of the city, for any sum above forty shillings, and not exceeding twenty pounds (of the late Irish currency), in all actions of debt on any bond, bill, or specialty for payment of money only, and in actions on the case, on any promissory note or bill of exchange, or for any sum above forty shillings, and not exceeding ten pounds, in all actions on the case in assumpsit, in simul computasset, trover, conversion, quantum meruit, and detinue. By the 38 Geo. III. c. 25, s. 7, the recorder is required to hold this court four times in the year, as nearly as may be conveniently at equal distances from each other, to be fixed by him.

The recorder acts as assessor of the civil court of the corporation, called the Lord Mayor and Sheriffs' Court.

He is the legal adviser of the corporation, and attends the meetings of the lord mayor and aldermen and the assemblies of both houses, on occasions of the trial of election petitions, but he has not any vote, and can only interfere in the proceedings when called on for his opinion.

By the 21st section of the 5 Geo. IV. c. 102, the rules and regulations of the divisional justices of the castle division of the police district of Dublin metropolis, with respect to the stations and conduct of the drivers of carriages plying for hire to or from the city, must be sanctioned and approved of by the recorder.

The present recorder, Frederick Shaw, Esq. was elected in March, 1828, and has since personally attended to the duties of the office, except on one occasion, when prevented by illness. He has, since his appointment, declined practising generally as a barrister, and does not go circuit.

We have noticed, in our account of the election of this officer, the particular restrictions imposed on him by statute as to professional practice.

According to the present arrangements of the respective courts, the public duties of the recorder are as follows:—

In the Court of Quarter Sessions.

The general Quarter Sessions are held in the months of January, April, July, and October (the periods for the year 1835 are the 13th January, 28th April, 14th July, and

CORPORATE BODY.

6th October). Between each of these sessions two adjourned sessions are held, so that the court sits twelve times in the year. At each general sessions, all criminal cases, whether the defendants are in custody or on bail, and appeal cases are disposed of, and these sessions, when commenced so late as the 14th or 15th, sometimes continue to near the end of the month. The adjournments are fixed by the recorder, who states that he, as nearly as possible, divides the interval between the last day of the sittings and the next general quarter sessions' day. At the adjourned sessions no business is done, save the trial of custody cases; they last about a week.

In the Civil Bill Court.

The Civil Bill Court is held in the same months, of January, April, July, and October, on the 20th of each month. Should the business of the Court of Quarter Sessions continue to those days, its sittings are suspended for the purpose of holding the Civil Bill Court, and again resumed when the business of that court is disposed of, which generally occupies two or three days.

In the Lord Mayor and Sheriffs' Court.

The Lord Mayor and Sheriffs' Court sits only four times in the year, on the Thursday after the first day of each general quarter sessions. The business is not enough, generally speaking, to occupy the day of sitting.

The quarter assemblies of the common council, at which the recorder attends, are also held in the months of January, April, July, and October, shortly after the days of opening the quarter sessions.

The times therefore for which, according to these arrangements, the presence of the recorder is required, amount in the whole to about four months in the year.

Emoluments.

The recorder receives from the corporation an annual salary, which, since the year 1818, has been fixed at 400*l.* of the late Irish currency. The recorder's salary previously was 500*l.*, to which it had been raised from 350*l.* He is also paid a small sum out of the slippage and anchorage, amounting to about 26*l.* per annum. A fee of 2*l.* 2*s.* is paid to him on all corporation leases, and he is paid fees on cases submitted to his opinion by the corporation. He sits with and advises the lord mayor and aldermen at their meetings, without special remuneration; but, when sitting with the common council on the trial of election petitions, is paid 10*l.* 10*s.* a day.

He does not receive any fees or emolument from the Lord Mayor and Sheriffs' Court.

He receives the fees regulated by statute in the Civil Bill Court.

The average yearly receipts of the office from fees were stated to us by the recorder to be about 110*l.*

The principal part of the recorder's income is paid under the Police Acts, 48 Geo. III. c. 140, and 5 Geo. IV. c. 102. By the 59th section of the former Act, which recites that, by the provisions of that Act, the duties of the recorder would be considerably increased, and that his salary would be inadequate to the trouble and importance of his office, the lord lieutenant was empowered to direct the yearly sum of 1,000*l.* to be paid out of the funds applicable to the expenses of the police establishment to the recorder in augmentation of his salary. And by the 27th section of 5 Geo. IV. c. 102, (which, as already stated, prohibits the recorder from practising as counsel in any criminal or civil court within the police district of the metropolis,) the lord lieutenant is empowered to direct an additional yearly sum not exceeding 600*l.* to be paid to him out of the same fund.

The recorder, under these Acts, is paid the yearly salary of 1,600*l.* of the late Irish currency, being 1,476*l.* 18*s.* 4*d.* of the imperial currency.

His income from these several sources may be stated at 1,980*l.* per annum.

The recorder is, *ex officio*, a governor of Erasmus Smith's schools, and a commissioner for putting into execution the acts relative to the Poddle river.

Coroners' functions, and emoluments of.

77. The functions of the coroners are those common to such officers in counties at large. They are remunerated by presentments of the Term Grand Jury for the county of the city, under the statute 1 Geo. IV. c. 28, ss. 2 and 4. The Grand Jury at each presenting term presenting the full sum of forty guineas, prescribed by section 4, to the two coroners, making forty guineas a year to each. The county of the city of Dublin is expressly excepted from the provisions of the later statutes, 4 Geo. IV. c. 43, and 5 Geo. IV. c. 93.

The statute 33 Geo. III. c. 56, s. 47, empowered the Grand Jury to present such sum as they should think necessary, not exceeding 20*s.*, to be paid to the coroner or coroners for every inquisition taken in a gaol or prison within the county of the city. This power was excepted from the operation of the statute 50 Geo. III. c. 30, but may be considered as impliedly repealed by the 1 Geo. IV. c. 28.

President of the Court of Conscience.

78. The Presidency of the Court of Conscience was, as already stated, incident to the jurisdiction of the lord mayor for the time being, until the enactment of the statute 33 Geo. III. c. 16.

The 15th section of that statute enacted "That the jurisdiction of the Court of Conscience held in the city of Dublin, from time immemorial, before the chief magistrate of the said city, with the assistance of the aldermen, sheriffs, and sheriffs' peers, or some or one of them, for *determining* causes between party and party, under the value of 40*s.*, be, and the same was thereby established, ratified, and confirmed." By the same section the lord mayor, during his year of office, was exonerated from attending upon this court, and the duty of presiding in it transferred to the alderman who shall have served in the office of lord mayor for the next preceding year, and for the term of one year next after he should have served in that office, with the same power of calling to his assistance the aldermen, sheriffs, and sheriffs' peers, or some one or more of them, as had theretofore been usually done or practised by the chief magistrate of the city. To prevent any interruption in the business of the court from the illness or necessary absence of the president, a subsequent statute, the 11, 12 Geo. III. c. 11, s. 71, empowered the president of the

CORPORATE BODY.

Court of Conscience for the time being, by warrant under his hand and seal, to appoint any one of the aldermen to officiate in his place during his illness or necessary absence. Under colour of this latter enactment the presidents of the Court of Conscience for the time being have, in several late years, let the office to other aldermen to farm. The rent paid on these occasions has been 1,000*l.* for the year; the deputy paying also the expenses of the court, which are from 250*l.* to 300*l.*

The president has not any power of compelling the attendance of the aldermen, sheriffs, or sheriffs' peers, to give him assistance in the performance of the business of the court; but he is generally to some extent assisted by the two sheriffs' peers who had served as sheriffs during his mayoralty. It has been a practice for some years past to pay a salary of 100*l.* to one of the sheriffs' peers to act as permanent assistant to the president.

The emoluments of this office are entirely derived from fees paid by the suitors on the proceedings; the particulars of them, and the practice of the court, will be found in a subsequent part of this Report. They produce to the president about 1,500*l.* for the year. The court is held every day.

Town Clerks, their functions and emoluments, &c.

79. The Town Clerks are also the prothonotaries of the Civil Court of Record, clerks of the peace for the county of the city of Dublin, and clerks of the Crown at the Court of Quarter Sessions.

Their duties in these several capacities have been returned to us in detail by those officers, and are as follows:—

As Town Clerks.

As Town Clerks, they attend all general quarter and post assemblies, and all other meetings of the corporation—prepare all business for these meetings—and draw the resolutions and orders. They engross and record on rolls of parchment all Acts of Assembly and other proceedings of the corporation, and keep copies of all those proceedings. They prepare the election books for holding the elections of the several corporate officers, keep the several rolls of oaths, and administer these oaths to freemen and officers on admission and election, and prepare the necessary beseeches for freemen seeking to be admitted. They prepare and attend the execution of all bonds given by corporate officers; they act as secretaries to the Board of Aldermen, and attend all meetings of the Pipe Water and other standing committees, and of all special and sub-committees of the Common Council; enter all their transactions in books, and draw up the several Reports of the sub-committees to the general committee, and of the general or standing committees to the quarter and post assemblies. They write all letters, and act in every respect to all these several committees as general secretaries; they draw all notices of post assemblies, and have copies of them posted; and they take the charge of, and keep in safe custody, all the charters, rolls of assembly, rolls of oaths, title deeds, leases, bonds, books, and all other muniments, documents, and papers belonging to the corporation.

As Prothonotaries of the Lord Mayor and Sheriffs' Court.

As Prothonotaries to the Lord Mayor and Sheriffs' Court, they enter all the original plaints, actions, and attachments issued out of the court, sign and seal them; file the affidavits upon which they are grounded, and keep the books and records of the court. They file, preserve, and make entries of all bail pieces, appearances and pleadings; enter all rules, orders, &c. in the court books; attend chamber and other motions; make out records; issue process; attend in court on the several trials; swear juries; record verdicts; mark judgments; tax the costs; make out executions; file writs from the superior courts, and make out returns thereon.

As Clerks of the Peace and Clerks of the Crown.

As Clerks of the Peace and Clerks of the Crown, they give receipts for all informations, recognizances, convictions, &c. returned to their office by the magistrates of the city of Dublin; read and consider informations, to enable them to draw indictments in such cases as are not prosecuted by the crown or by public bodies; abstract all indictments into books for the use of the court, and file all informations, recognizances, convictions, appeals, &c. lodged in their office; they summon the prosecutors and witnesses to attend, and give evidence on the several cases for trial at the respective sittings of the sessions court; send letters and notices to the magistrates and grand juries, informing them of the several adjournments of the court, and requiring their attendance when necessary, and give notice to the several police-offices of the adjournments of the court; they attend the court during its sittings, and swear the grand and other juries, and all prosecutors and witnesses; arraign prisoners and traversers; record their pleas, the findings of the juries, and the sentences pronounced by the court; and generally act as registers of the court and secretaries to the grand jury; they give notice to traversers, bail, and prosecutors of the time traverser's trials are to take place (which, latterly, has been at the commencement of each general quarter sessions), and record their appearance or non-appearance, as the case may be; they read and lay before the court all money presentments made by the grand juries, and also such presentments of nuisances as they return; record the conditional orders of the court thereon, and serve copies of such nuisance presentments and orders on the several persons referred to by them. If such presentments shall not be traversed, they have affidavits of the service of them, and of the orders made upon them, drawn, sworn, filed, and moved before the court, that such orders may be made absolute, and when made absolute they make out warrants grounded thereon, directing the sheriffs to abate such nuisances. In cases of traverses to such presentments, they draw and prepare the traverses and recognizances, and give notice to persons entering into them of the times of trial. They procure and summon witnesses to sustain such presentments, and, when necessary, instruct and fee counsel for such purpose, and on the presentment being found by the petty jury, make out warrants to the sheriffs to abate the nuisances. They carry on such prosecutions as may be directed by the grand jury and court against persons indicted for keeping nuisances, and procure witnesses, and instruct and fee counsel to sustain such prosecutions. They make out (previous to the

CORPORATE BODY.

several general quarter sessions) and lodge with the sheriffs, precepts, requiring them to return grand and other jury panels to the general quarter sessions. They draw presentments, and affidavits verifying them, for the several grand juries, and copy and file them, after their being confirmed. They make out returns for government, and for the local inspector of prisons in Dublin, every year, of the several persons tried, and their crimes, their pleas, the verdicts of the juries, and sentences of the court. They make out certificates for persons obtaining licences for the sale of gunpowder, and register same, and register the rules and regulations of friendly societies. They attend at the several sittings of the Civil Bill Ejectment Court, and enter the proceedings; take minutes of the evidence given, record and sign the decrees, dismisses, &c., appeals, recognizances, and other documents. They receive, copy in alphabetical order, and cause to be printed, published, and distributed, notices of persons applying to be registered as voters for the city of Dublin; attend the several sittings of the Registry Court, with the books, papers, and documents, in the office of the clerks of the peace, connected therewith; and grant certificates to such persons as are allowed to register and file their affidavits. They record all orders made by the Registry Court for allowing or disallowing persons to be registered. They also attend all elections for members to serve in parliament for the city of Dublin, and produce all books and documents in their office relative to such elections; provide rolls of oaths to be taken by Roman Catholic electors, and grant certificates of their having taken such oaths. They administer oaths of allegiance, and other oaths enjoined by Act of Parliament, to such persons as require the same to be administered to them. They receive, copy, and cause to be printed, all notices served by persons applying to the Quarter Sessions' Court for licences to retail beer, &c.; attend the hearing of such applications, and register the order of the court thereon, and the objections, if any, made to such applications being granted; and give certificates to such of the applicants as the court deems fit to be licensed. They register the names, residences, &c., of all persons obtaining licences for the sale of beer, spirits, wine, &c., and the names, residences, professions, &c., of their several sureties. They prepare and issue precepts and schedules to the high constable and grand jury cess collectors of the city of Dublin, requiring returns from them of all persons in their districts qualified to serve on juries, and lay such returns before the court. They make a copy of the book, to be prepared by the court from such returns, and furnish the sheriffs with a copy of such book, and preserve the other as a record.

The town clerks are paid by the corporation a salary of 249*l.* 4*s.* 8*d.*, being 270*l.* of the tate currency. This salary has been fixed upwards of twenty years. They are also paid the annual sum of 3*l.* of the late currency, which is designated in the accounts their "ancient salary."

They receive from the Pipe Water establishment the salary of 184*l.* 12*s.* 4*d.*

The other emoluments of the office, as town clerks, and prothonotaries of the city record court, are derived from fees on the proceedings in the court, and on the admission of freemen, &c.

Their fees produced in the year:—

1832	£444 1 5
1833	408 18 4

The entire receipts of the office in those years were:—

1832	Salaries	£436 12 4	Total	880 13 9	
,,	Fees	444 1 5			
1833	Salaries	436 12 4	,,	845 10 8	
,,	Fees	408 18 4			

The expenses of the office consist chiefly of the payment of a salary to a clerk. This was in the

Year ending Easter, 1832	£278 0 0
Year ending Easter, 1833	239 12 0

The disbursements of the office for stationery, &c. are returned to us as amounting to 25*l.* a year. The net annual income of this office to each town clerk, as such, and as prothonotary, may be estimated, therefore, as nearly 290*l.*

Their emoluments as clerks of the peace are much more considerable.

Presentments to.

They are chiefly from presentments made by the Quarter Sessions Grand Jury, under the authority of the following legislative provisions:—

26 Geo. III. c. 40, s. 31,*—Under this section the grand jury

* This section empowers the grand jury at quarter sessions to raise such sums as they shall think fit, not exceeding 10*l.* at each sessions, for paying a secretary for his trouble in drawing and entering the presentments and attending such grand jury, during the quarter sessions.

The 35th section empowers the grand jury, at each session, to raise any sum, not exceeding 20*l.*, to be paid to the person, or persons, appointed by them, for prosecuting nuisances and encroachments, or for abating, removing, or prostrating the same. The 37th section enacts, that the expenses and costs are to be taxed by the proper officer of the court, and that an affidavit shall be made, by the persons employed, that the sums charged have been *bonâ fide* laid out, and disbursed upon such prosecutions.

The quarter sessions grand jury appears to have early appointed the clerks of the peace to the offices of secretary and prosecutor of nuisances; as the 33 Geo. III. c. 56, which repealed the 26 Geo. III. c. 40, provides, in the 29th section, "that the repeal shall not affect the rights, or claims, of the clerks of the peace, to any sums theretofore presented to them by the sessions grand jury, but that the several sums which the sessions grand jury were thereby authorized and empowered to present, and theretofore presented for them in lieu of their fees, and for drawing and entering presentments, and attending grand juries, and for prosecuting public nuisances, and the sum theretofore presented to them for summoning prosecutors, should be continued to them as if the Act of the 26 Geo. III. had not been repealed. The clerks of the peace are the proper offi-

CORPORATE BODY.

	£	s.	d.
present, "for drawing and entering presentments and attending the grand jury each sessions,"	9	4	7½
Sec. 36.—The grand jury each sessions present for prosecuting nuisances, &c.	18	9	2
31 Geo. III. c. 11, s. 1.—By this Act the grand jury are required to present at each sessions for the clerks of the peace, in addition to the sums then presented, 50*l.* of the late currency, being	46	3	1
33 Geo. III. c. 56, s. 29.*—Under this Act the grand jury present, half-yearly, to the clerks of the peace, for summoning prosecutors	21	0	0
49 Geo. III. c. 101, 50 Geo. III. c. 103, 1, 2 Geo. IV. c. 77.—The 49 Geo. III. c. 101, contains a schedule of fees, payable to clerks of the peace, and other officers, for counties at large, on indictments; and empowers the grand juries to present for such fees, in case of persons indicted, tried, acquitted, and discharged without fees. The 50 Geo. III. c. 103, s. 85, extended the 49 Geo. III. c. 101, to the county of the city of Dublin; and, for several years subsequent to the passing of this Act, it was the practice to make presentments to the clerks of the peace for fees on acquitted prisoners. The statute 50 Geo. III. c. 103, was however repealed by the 7 Geo. IV. c. 74, and the power of presenting for fees to the clerks of the peace, on acquitted prisoners, accordingly ceased. Presentments are made to them under the 1, 2 Geo. IV. c. 77, (the Act which abolished jail fees) for fees on prisoners convicted. The amount of these presentments is considerable. The following appear, in the presentments of the year 1833, to be the sums presented to the clerks of the peace on this account:—			
January Sessions	455	11	3
Easter Sessions	369	7	6
July Sessions	325	1	0
October Sessions	486	6	10
	£1636	6	7
56 Geo. III. c. 120.—Under this Act, clerks of the peace, &c. are bound to make certain returns to the chief secretary of the lord lieutenant, of the number of persons committed for trial, tried, and discharged, within each year, distinguishing their crimes, and other particulars. The grand jury, by section 3, are authorized to settle and present an allowance to those officers for their care, pains, and trouble in making such returns.			
The term grand jury, accordingly, makes an annual presentment to the clerks of the peace of the city of Dublin, on this account, of	31	10	0
The total amount of the sums presented by the quarter sessions grand jury, to the clerks of the peace, under the several authorities above-mentioned, for the year commencing the Easter session 1831, and ending Easter session 1832, was	2235	19	1
And for the year ending Easter session, 1833 . .	1760	13	9
The clerks of the peace claim by statute and usage various fees.			
Those by statute are—			
34 Geo. III. c. 22.—For granting certificates to Roman Catholics of having taken the oaths of qualification . . .		1	0
56 Geo. III. c. 91.—For each order for payment of—			
Expenses to prosecutors		1	0
Ditto to witnesses		0	6
56 Geo. III. c. 56, s. 149 (Stamp Act).—For a copy of a conviction returned to their office and furnished to the distributor of stamps		1	0

cers who tax the costs in criminal cases, and the appointment of them as prosecutors of nuisances seems therefore objectionable with reference to the 37th section of the 26 Geo. III.

The full sum of 20*l.* is presented to the clerks of the peace at each general quarter sessions for these prosecutions, and they defray thereout the expenses of them.

* This section is stated in note, p. 37. The sum is not defined, and the presentment appears to have previously depended on usage.

	£	s.	d.
58 Geo. III. c. 39 (Civil Bill Ejectment Act).—On proceedings by Civil Bill Ejectment—			
For entering the cause		0	6
Signing, entering, and recording the decree or dismiss		1	0
Every summons		0	6
Signing and entering every renewal		0	4
Entering verdict		0	5
Recognizance of bail, and certificate of appeal		0	5½
2, 3 Wm. IV. c. 88, s. 34 (Reform Act).—For every certificate of registry of a voter		1	0
3, 4 Wm. IV. c. 68, s. 5.—For every certificate, to entitle a party to a licence to sell beer, &c. by retail		2	6
Section 10.—For every registry of the name, &c. of the person licensed		2	6
The clerks of the peace claim, and receive, the following fees by usage:—			
For drawing and entering a traverse to a presentment of a nuisance	1	10	0
For copies of convictions, or adjudications, (save those under the Stamp Act,) a fee on each of		6	2
For certificates of appeals being lodged to convictions, or adjudications, a fee on each of		7	2
For certificates of informations, or indictments, and recognizances, (called manucaptor warrants,) to enable those who become sureties for persons to abide their trials, to surrender them in discharge of their bail		7	2
For entering rules, recording the entering bills of indictments, findings on such bills by the grand jury, appearances for the Crown and prosecutors, and verdicts of the juries, for each rule		2	0
For all orders made by the court on motion, &c.		7	2
For drawing every record of conviction, or acquittal of a prisoner, or traverser, at the rate of 6*d.* for every office-sheet, containing seventy-two words.			
The like for attesting same.			
For taxing bills of costs in criminal cases, each bill,		3	1
If long		6	2
For certificates given to persons to deal in or sell gunpowder		3	1
The total receipts of the clerks of the peace, from fees on licences, &c. for the year ending at Easter session 1832, were	270	10	0
Year ending Easter session 1833	260	0	0

One chief and three under clerks, and a messenger, are employed in the office of the clerks of the peace. The salaries of these officers, and other disbursements of the office for printing, stationery, &c., amounted, in the above period, to the following sums:—

Year ending Easter session 1832,			
Salaries	£559	3	9
Other expenses	122	15	0
	£681	18	9
,, Easter 1833,			
Salaries	508	14	6
Other expenses	86	0	0
	£594	14	6

The following table exhibits, for the two periods, the entire receipts and disbursements, and net income of the clerks of the peace:—

	Receipts.			Expenditure.		
1831-2.—Presentments by quarter sessions jury	£2235	19	1	£681	18	9
Do. by term grand jury	31	10	0			
Fees, &c.	270	10	0			
	2537	19	1			
	681	18	9			
Net income	£1856	0	4			
1832-3.—Presentments at quarter sessions	1760	13	9	594	14	6

CORPORATE BODY.

1832-3.—Presentments at quarter sessions by term grand juries, ...	£31	10	0
Fees, &c.	260	0	0
	2052	3	9
	594	14	6
Net income	£1457	9	3

Marshal, functions of, &c.

80. The Marshal was formerly the keeper of the prison called the City Marshalsea; but the custody of that prison was made a distinct office in the year 1786, by the Irish statute 26 Geo. III. c. 27, s. 34, and similar provisions are contained in the several gaol Acts since enacted. See 50 Geo. III. c. 103, and 7 Geo. IV. c. 74.

As Marshal.

The present functions of the marshal are twofold: those belonging to his office as ministerial to the City Court of Record; and those conferred on him by the statutes constituting him register of pawnbrokers' licences in Ireland, and an auctioneer of forfeited pledges.

The marshal executes and returns the process of the city court of record, called the Lord Mayor and Sheriffs' Court, and returns the juries for trial of issues joined therein.

His principal duties in this respect relate to the storage and sale of goods seized under the process of attachment from that court.

The goods are seized, under this process, by the sergeants-at-mace, by whom, if bail be not given in four hours after seizure, the goods must be conveyed to the marshal's store, which is now held at an extensive public establishment for the sale of property, called the Commercial Mart. If bailed before twenty-one days after seizure the goods are returned, upon payment of 8*s*. 4*d*., consisting of a fee of 4*s*. 2*d*. for what is called an "entry," and a similar sum of 4*s*. 2*d*. for a discharge, besides a charge for storage, which is regulated by the amount of the attachment, and not by the size or number of the goods under seizure.

The charge is 6*d*. per night upon an attachment for a sum under £20; 10*d*. when the attachment is for a sum over that amount.

Thus if a watch worth but 1*l*. be seized upon an attachment for 21*l*., the charge on it would be 10*d*. for each night's storage. Horses seized are put to livery, and charged accordingly. According to the rules of the court, no execution can be issued until the goods have remained in the marshal's possession unbailed for twenty-one days.

Upon the execution being lodged with him, he proceeds to sell the goods seized, and generally arranges the day of sale with the plaintiff's attorney, giving from one to four days' notice of the sale, by posted notices and advertisements in the newspapers. The sale is by an auctioneer, employed by the marshal, and paid by him out of his own fees, which are, under the general statute regulating fees on writs of execution (6 Anne, c. 7), 1*s*. in the pound upon any sum under 100*l*., and 6*d*. in the pound upon any sum over that amount.

In the event of a sale, the storage, and other charges above-mentioned, and the costs of the advertisement are levied out of the proceeds of the goods.

It is stated that attachments are generally bailed, and that, consequently, few sales take place.

In cases of disputed property in the goods attached, the marshal may empanel a jury, and hold a Court of Inquiry; but in practice he decides such questions upon affidavits, on which he charges a fee of 2*s*. 6*d*. each.

In reference to his functions in returning juries to the City Record Court, the marshal states it to be his practice to summon from twenty to twenty-five of the most respectable persons in the neighbourhood of the court to attend as jurors, and in default of a sufficient number of those summoned, talesmen of the bystanders, who are warned to attend (often personally by the marshal), but not summoned, are put upon the jury.

A sum of 1*l*. is paid to each jury on bringing in their verdict; and the marshal admitted, that if he thought the money given to a juror would be an object to him, he would summon him to attend, if he considered him a respectable man.

Few arrests are made under process of the Record Court.

The marshal states that his fees upon arrest are 1*s*. in the pound, when the arrest is for a sum under 20*l*., and 6*d*. in the pound when over. Arrests on mesne process for sums under 20*l*. are now abolished.

We have not found any statute authorizing the fees thus claimed.

The marshal, for the due performance of his different duties, gives security in 2000*l*. to the corporation.

The gross receipts of the office, from the execution and returns of the process of the City Court, were, for the twelve months ending December, 1833, about 220*l*.

As Register of Pawnbrokers.

By the first statute regulating the trade of pawnbrokers in this country, 26 Geo. III. c. 43, s. 40, the marshal of the city of Dublin has been constituted "register of pawnbrokers' licences in Ireland." His duties, as such, under this statute are to register the certificates to be furnished to him by all pawnbrokers of their names and sureties, and to receive from them and enter in his registry books accounts of the sums lent in each month, and return true abstracts of those monthly accounts to either House of Parliament in the first week of each session.

He is entitled to a fee of 5*s*. on the registry of each pawnbroker's certificate; but in practice very generally receives a guinea, sometimes two guineas, for this service. The payment of the larger sum is stated to be made under a regulation of the trade.

All pawnbrokers in Ireland are required, under a penalty of 40*s*. for each default, to send to the register monthly returns, containing an exact account of the number of sums lent in each preceding calendar month, and also the gross amount thereof, upon oath. With each of these returns the register is entitled to a fee of 1*s*. from the pawnbroker.

CORPORATE BODY.

These returns he is directed, as above stated, to lay before either House of Parliament the first week in each session.

It is stated by the present marshal (who is not long in office), that he receives returns every year of the amount of money lent on pledges from all the pawnbrokers in Ireland. The observance of the provisions of the statute appears, however, to have been heretofore habitually neglected by pawnbrokers, and not enforced by the register. It has appeared in evidence before the commissioners, in some country towns, that for many years the marshals of the city of Dublin had acted on arrangements with the country pawnbrokers not to ask for any returns, on getting an annual payment of 1*l.* from each, and that the pawnbrokers accordingly made no returns; while the marshal had thus created a sinecure income of considerable amount, by compromising an important duty of the office. There is a conflict of evidence on this subject, even as to the present marshal; for while his statement is as we have mentioned, the country pawnbrokers allege that the same system still continues. One pawnbroker, examined in Dublin, stated that he made the monthly returns; another admitted that he himself did not, and added that he did not know any one who did.

The marshal admitted that he received 1*l.* a year from some of the pawnbrokers, and a printed form of receipt was produced in Belfast, as sent by the marshal, for the sum of 1*l.*

As Auctioneer of Pledges.

The marshal is also, under the 28 Geo. III. c. 49, s. 9, an auctioneer of forfeited pledges for one of four divisions of the city, appointed for the sale of them by that statute: this section recites that the sword-bearer and marshal had, from time immemorial, been in the receipt of certain fees, for the appraisement of goods and articles pledged or pawned in the city and county of the city of Dublin, and employed as auctioneers for the sale of forfeited pledges. The appointment of the two other auctioneers was given to the lord lieutenant.

Their fees, as auctioneers, are regulated by the 13th section of the statute.

They are 1*d.* in the shilling for every article, or number of articles, the property of any one person, sold for any sum under 20*s.*

1*s.* 4*d.* in the pound for any sum amounting to 20*l.*, and not to 40*l.*

1*s.* in the pound when over that sum.

And these fees are directed to be in lieu of all other demands theretofore charged, such as warehouse and auction-room rent, advertising handbills, posting and distributing the same, and clerks and porters for their attendance on such sales.

After forfeiture, and before sale, of all goods pawned, on which over 4*s.* has been advanced, it is made compulsory by the 14th section, under penalty of 5*l.* for each offence, upon all pawnbrokers within the district of the Dublin metropolis, or within three miles thereof, to require the borrower, by notice, to redeem within fourteen days. These notices they are directed to have served by the register, to whom they are to give a fee of 3*d.* for each notice served, where the principal sum lent amounts to 4*s.*, and does not exceed 20*s.*, and 4*d.* if over 20*s.*

These fees for serving the notices had been commuted many years since, by arrangement between the marshal and pawnbrokers, for a fixed sum of 5*l.* a year, and remained fixed at that sum until the present marshal came into office. He has raised the annual composition to 6*l.* from each. For this sum the marshal undertakes to have all services effected upon a certain day, from which the pawnbrokers date the fourteen days to redeem, and he employs a person to perform that duty; but neither the pawnbroker nor the marshal makes any inquiry as to whether the notice has been actually served or not.

Each of these four auctioneers is required, by section 18, to keep an exact account of the amount of goods sold for each pawnbroker in each month, and to make monthly returns of such accounts to the register for the time being (upon oath if required) under a penalty of 40*s.* for each default; and the marshal is required to annex abstracts thereof to the pawnbroker's returns, before referred to, and deliver them therewith for the inspection of either House of Parliament.

These returns are not made or demanded.

The marshal does not act as auctioneer, but farms out his office at 3*l.* a week, besides having received a gratuity of 75*l.* upon the appointment. The deputation to the acting auctioneer is for his (the marshal's) life, and is made, we presume, under colour of that section of the statute which authorizes the appointment of sworn clerks or assistants.

The lessee of the office of auctioneer is permitted to regulate the place and mode of sale in any manner which his interest may dictate, unchecked either by the enforcement of the returns commanded by the statute, or by the personal superintendence of the marshal.

The marshal in no way interferes in the business of the sales by auction; he rarely even visits the sale-room, and requires no account from the lessee.

From the different sources of emolument connected with his office the marshal derives a net income, after payment of his clerks and messenger, of about 650*l.* a year.

The duties of his office as auctioneer of forfeited pledges are, as we have seen, entirely performed by deputy. For those of the office of register of pawnbrokers he receives considerably greater fees than are prescribed by statute, and from persons whose observance of the law in other particulars he himself is, to some extent, bound to see enforced. These two branches of the office of marshal appear thus to confer on that officer a very considerable income, without, in our judgment, any adequate return of useful service to the public.

There is some pecuniary responsibility attached to the office, and, as auctioneer of pledges, the marshal is bound to give security himself in 1,000*l.*, with three sureties for 300*l.* each, in addition to the bond for 2,000*l.* given by him as marshal to the corporation.

Much, and in some respects conflicting evidence was given before us on the mode of conducting sales of forfeited pledges by the farmer of the office of auctioneer, under the marshal, and by the sword-bearer and other divisional auctioneers or their "assistants."

CORPORATE BODY.

They are held in obscure parts of the city: all valuable articles, such as plate, jewellery, &c. are sold by night: there is not any catalogue prepared or used; in some instances the sale is not advertised, and there is no notice of it in any case given to the public in the manner usual at other auctions, by having it announced by a person stationed in the street. The auction-rooms are represented to be quite unfit for the reception of respectable persons, and it appears that, in some instances, the principal sale, that of plate, jewellery, &c. takes place at the remote end of the room; while the part next the entrance is occupied by a crowd of persons, assembled at a separate auction of forfeited wearing apparel and such cheaper articles, so as to make it difficult for a stranger to know or see what is going on inside, or to get through the intervening crowd.

By the auctioneers the sales by night are represented as beneficial, as inducing the attendance of persons in trade, who could not with convenience attend the sales if held during the day; but the persons who so attend are usually those who purchase to sell again, and who of course cannot be expected to offer as advantageous terms for the sellers as would be obtained from the general competition of the public. The system of sale is, in other respects, calculated more for the interest of such buyers than of any others; as it is admitted that articles of plate, jewellery, &c. are put up to sale as they come from the pawnbrokers without being previously cleaned, so that persons unacquainted with the trade have no means of forming an opinion of their value. The public have in fact no opportunity of previous inspection or examination of the articles to be sold, nor any notice of the particular objects to be disposed of. They are sent in just before the sale from the pawnbroker's office, and handed to the auctioneer by the pawnbroker's clerk as he proceeds in the sale.

The attendance of the class of buyers we have mentioned, and who may be said nearly to monopolize the purchases, is encouraged by a system adopted by the auctioneers of giving credit to such persons: this credit generally varies from three to five months.

These persons are familiarly termed "jobbers."

They act as a body, and attend at every sale. Should any stranger (not one of the body) attempt to purchase, it is alleged that they raise the article far beyond its real value, and thus deter strangers from bidding for valuable articles at those sales.

An impression exists, and was conveyed to us in evidence, that, as the auctioneers give long credit to these jobbers, they are naturally interested in securing their own re-payment by letting them have the articles set up to auction upon the most reasonable terms.

The imputation of collusion between auctioneers, pawnbrokers, and jobbers at those sales, was however strongly denied on the part of the auctioneers, and they alleged that the articles sold at them often brought more than the real value. We have not the means of ascertaining the accuracy of this representation in detail, but it was admitted that the articles sold rarely produced more than the sum advanced on them by the pawnbroker,—a fact which, it was represented, was to be accounted for by the circumstance that the articles brought to sale, as forfeited pledges, were generally those on which the pawnbrokers had made improvident advances; but which may be at least equally well explained by the absence of any party having an adequate interest to advance the biddings after they reach the sum sufficient to meet the pawnbroker's demand.

By this monopoly of the places of auctioneers of forfeited pledges all competition on the part of other auctioneers for these sales is excluded, and in the places, time and conduct of the sales the interest of the owners of the property sold is, we apprehend, but little regarded. The appointees of the offices, by the system of farming them to the "assistants," reduce them to places of sinecure emolument to themselves, abandoning all attention to the conduct of an establishment, which, if it be permitted at all on the present exclusive system, ought to be watched with vigilance for the protection of the poorer classes of society. The importance of these situations may be judged of by the fact, that the profits of the farming auctioneers are stated to average from 800*l.* to 1,000*l.* a year, in each of the two best divisions—those of the marshal and sword-bearer; and from 300*l.* to 800*l.* in each of the two others.

In the places and condition of the auction-rooms, the practice of night-sales, the want of proper catalogues of the articles to be sold, and the absence of fit opportunity for public inspection and examination of the articles, and fair competition for their purchase, the present system of these auctions is highly objectionable. Whether, in addition to such regulations as would check these prominent abuses, it may not be expedient altogether to abolish the present monopoly of such auctions, is matter for serious consideration.

Water-Bailiffs, functions of, &c.

81. The Water-Bailiffs are styled in an ancient Act of Assembly, A. D. 1558, the under sheriffs of the city.

The present functions of these officers, in relation to the administration of justice, are very limited; consisting merely of occasional assistance to the sergeant-at-mace, in the execution of the process of the Lord Mayor and Sheriff's Court, on the river, and that part of the Bay of Dublin which is considered as comprised within the limits of the county of the city. They are sometimes, but not generally, named in the warrant. The process is in fact executed by the sergeants-at-mace; the water-bailiffs only attending, as they state, to legalize it by their presence.

They demand for this service generally a fee of 1*l.*, which they require to be paid before going out with the sergeants-at-mace. If the amount of the sum in the process is large, they require 5 per cent. on the first 100*l.*, and 2½ per cent. on every 100*l.* over that sum. The actual business of these officers in this branch of their functions is inconsiderable. The average amount of annual fees from the execution of process was stated to be little more than 5*l.*

CORPORATE BODY.

The Act of Assembly of 1558 (temp. Eliz.) declares that the water-bailiffs being under-sheriffs of the city, shall take by attachment of a citizen, by the queen's process, only 8*d.* sterling.

The water-bailiffs summon the lord mayor and board of aldermen to all meetings which the lord mayor and aldermen should attend. They act in this branch of their duty under the directions of the lord mayor. We do not find that they receive for the performance of it any specific remuneration.

The most important branch of the functions of these officers relates to the coal trade of the city of Dublin. They appear, in the Act of Assembly of 1558, already referred to, to have been considered entitled to certain duties for "plankage" and "balliage:" the former, apparently, for the use of planks supplied by them to the vessels frequenting the port; the latter term we are unable to trace the interpretation of. They, at the present day, supply to all coal vessels, discharging in Dublin, scales and weights; and until the statutes against the sale of coals by measure, they supplied them with tubs to measure the quantity delivered. The owners of these vessels are not, it is understood, bound to make use of the weights, &c. supplied by the water-bailiffs, and during the suspension of the collection of the dues called slippage and anchorage, in 1827, and succeeding years, while the right of the corporation to them was in question, some coal vessels brought over measures of their own, and refused to use those of the water-bailiffs. They now, however, very generally use the weights and scales so supplied.

The emoluments of the water-bailiffs are chiefly derived from a tax levied by the corporation on all colliers of 5*s.* 6½*d.* for each trip, and from a proportion of a charge, called chapter and guild, made on all vessels once in each year. These dues are collected with the charges for slippage and anchorage made by the corporation, and the water-bailiffs are paid their proportion of them by the city treasurer. The water-bailiffs also charge a shilling with each set of scales and weights for providing *slings*, without which the scales and weights would be useless.

The charge of 5*s.* 6½*d.*, called water-bailiff's fees, and the fee called "chapter and guild," are levied from the coal vessels, whether they use the scales, &c. supplied by those officers or do not.

We shall advert more particularly to these, and the other charges made by the corporation and their officers, on shipping, in a subsequent part of this Report.

The proportion of the fee, now called chapter and guild, payable to the water-bailiffs, was fixed by the Act of Assembly of 1558 at one-third; it is therein called chapman guild. The remaining two-thirds are paid to the sheriffs and recorder.

The amount of the sums paid to the water-bailiffs from these fees in the last three years were,—

Year ending 28th September,	1832,	to each water-bailiff	£239	7	4½
,, ,,	1833	,,	231	4	6
,, ,,	1834	,,	213	5	8½

The scales, weights, &c. are considered the private property of the water-bailiffs. The present stock of those articles was represented to us as having cost them about 200*l.* The rent of an office kept by them on the quay, and the supply and repairs of the scales, weights, &c. form the only necessary expenditure of the situation.

They attend the office in person. It is open from ten to four o'clock through the year.

The ancient Act of Assembly we have referred to contains a specification of various dues provided for the water bailiff, out of cargoes of salt, coals, herrings, oysters, ling, and other fish, slates, corn, flesh, apples, victuals, wine, iron, and wood, and a fee of 4*d.* for every horse coming to the city to be sold; and 4*d.* of every person admitted to the freedom of the city, and 4*d.* of every vessel for perching. We have not any evidence of the demand or existence of any such dues in modern times.

Sergeants at Mace, functions of, &c.

82. The Functions of the Sergeants at Mace have been alluded to in our account of those of the marshal and water-bailiffs. They consist altogether in the execution of the process of the City Record Court.

They give security to the corporation, with two sureties, to the amount of £250.

Complaints were stated to be made against these officers, both by plaintiffs and defendants: by the former, for not removing goods attached in proper time to the marshal's stores, or for removing them to other places; also for not arresting defendants when they had an opportunity.

A sergeant at mace was stated to have been lately dismissed, for pawning a pair of gates seized by him under an attachment.

The complaints by defendants are stated to have been, for taking more goods than necessary, under attachments, or removing the goods attached before the time prescribed by the rules of the court (four hours) had expired.

No instance was mentioned of their security bonds having been put in suit, though it was stated that applications had been made to the town clerks for the names of the sureties, nor any instance of a complaint, preferred to the court, and not attended to.

The emoluments of these officers are derived from fees on the execution of the process entrusted to them.

Secretary to the Lord Mayor, his functions, &c.

83. The Secretary to the Lord Mayor attends on the Lord Mayor at the Mansion-house, and performs the general duties of a secretary to that officer.

He is also register of the court called the Lord Mayor's Court, and acts as such, when that court is held at the Mansion-house; when the court is held in Green-street the duties

CORPORATE BODY.

of register are performed by the person who is generally styled the register of the Lord Mayor's Court, but who is, in fact, merely an assistant to the secretary, at a weekly salary.

The secretary affixes the Lord Mayor's seal to documents to be used abroad, and to the warrants of the collectors of grand jury cess, and appointments of the deputy clerks of the market, and other officers mentioned in our account of the functions of the Lord Mayor. He prepares and countersigns the several certificates and licences there also mentioned.

We have noticed in our account of the functions of the Lord Mayor, the arrangements sometimes made with the secretary by farming the office to him at fixed sums. The emoluments of the office of secretary from the various official fees there mentioned were described to us by a gentleman who had held it for 10 years, as averaging, after discharging the expenses of stationery, printing, and clerks, about £250. He did not farm the office, but in all those years (except two in which he acted without emolument) he received the fees to his own use. The profits of the office have since considerably increased, it having been farmed of late years for so high a sum as £350.

This subject, and the fees of this office, will be further noticed in the subsequent part of this Report which relates to the Lord Mayor's Court.

Register of the Lord Mayor's Court.

84. The assistant, who is, as we have observed, usually styled the Register of the Lord Mayor's Court, issues the summonses and warrants, and prepares and enters the decrees of that court, while sitting in Green-street. He receives the fees of the court, but pays them over to the Lord Mayor's secretary, retaining his own weekly salary, which is only 16*s*. 3*d*. He has also the use of a house attached to the Mansion-house, and is supplied with coals.

Register of the Court of Conscience.

85. The Register of the Court of Conscience enters the proceedings of that court.

He is paid a salary of £45 10*s*. by the president of the court, and derives an additional income of about £260 a-year from his proportion of the court fees, which will be stated in our account of this court. The register appears also, in several years, to have received the fees paid by the bailiffs of the court on their appointment, as presently noticed.

Bailiffs of the Court of Conscience.

86. The Bailiffs of the Court of Conscience execute the process of that court. They have for some years paid the sum of £5 each for their appointment to the register of the court. The sum paid was formerly only £1.

Their emoluments are derived from fees, and a poundage on warrants issued under the decrees of the court. This poundage is very considerable. We refer to the part of this Report relating to the court for the particulars of it and their fees. A gentleman who acted as register to this court for six years, stated that he had reason to believe some of the bailiffs had become very rich while in office, and that he thought they made money by indulging the parties. They sometimes give security for the performance of their duty, and their sureties have been proceeded against in the court, and sums recovered from them which had been lost by the default, or misconduct, of their principals.

Crier of the Court of Quarter Sessions.

87. The Crier of the Court of Quarter Sessions is remunerated by a presentment of the quarter sessions grand jury, which amounts to £48 per annum, and by presentments, in lieu of fees, on prisoners convicted; which, with the salary, make the yearly emoluments of the office about £250. He was formerly paid a salary of £5 a-year by the corporation.

Governor of Newgate.

88. The Governor of the Gaol of Newgate is the chief officer of that prison.

He is paid a salary of £400 per annum by presentment of the term grand jury of the county of the city of Dublin. Presentments are also made to him, under the Act abolishing gaol fees, for fees on prisoners convicted. The amount is uncertain. It was in the year 1833 £193 5*s*. 10*d*. He also receives by presentment the sum of £50 a-year in lieu of room-rent, and has allowances of bread and other necessaries.

Keeper of the Sheriff's Prison.

89. The salary of the Keeper of the Sheriff's Prison has been fixed by the term grand jury for the county of the city at £500 per annum, under the 7 Geo. IV. c. 74, s. 129. By that section it is provided, that, if the amount of rents and fees to be established for the prison (by the Court of King's Bench under the next preceding section of the Act) shall at any time appear to the grand jury to fall short of the amount necessary to provide a sufficient salary to the keeper of it, together with sufficient sums for the payment of the hatchmen, and other officers and servants necessary for the safe custody of the prisoners, or the discipline of the prison, the grand jury, at each presenting term, may present the sum necessary to supply the deficiency.

A table of rents and fees has been approved by the Court of King's Bench, according to which the rents and fees collected by the keeper are from £350 to £370 a-year, and the salary has been, therefore, made up by the grand jury to the above sum. The scale of rents is fixed as for unfurnished apartments. There are five rooms furnished by the keeper, for which he charges higher rates, as such, than those fixed by the court, but only returns them to the grand jury as producing the fixed rate. This officer gives security to the sheriffs, himself in the sum of £8,000, and three sureties to the amount of £7,000.

Keeper of the Marshalsea.

90. The custody of the city marshalsea has been, as already observed, separated for many years from the office of marshal of the city.

By the 7 Geo. IV. c. 74, s. 126, the Keeper of the City Marshalsea is made answerable for the safe custody of all prisoners confined therein, and bound to observe and perform the several rules, by that Act required, with respect to prisons wherein debtors are confined.

By sec. 130 of the same Act, this officer is bound to observe the same rules, and take the same rates for the lodging and accommodation of prisoners, in such sort, and in

such manner, as the marshal of the Town Court shall be entitled to take, save as may be otherwise ordered by the Court of King's Bench, and under the like penalties for the non-observance of them, as by that Act provided in the case of the Marshal of the Four Courts.

The sheriff's prison and city marshalsea are, by sec. 139, excepted from all the enactments of the statute, except such as expressly relate to those prisons, and such as require a supply of dresses, diet, and furniture, to poor persons, and except such enactments as relate to the authority of the Court of King's Bench, and regulate the office and authority of the inspectors general of prisons.

Those prisons are therefore not within the 136th section of the statute, which extends to prisoners for debt, the 1, 2 Geo. IV. c. 77, for the abolition of gaol fees.

The keeper of the city marshalsea receives a salary of £29 10*s.* 9*d.* from the corporation. His other emoluments are derived from fees, and from the rents of the apartments in the prison.

The fees demanded by him are:

	£	*s.*	*d.*
On a warrant of committal, under a decree of the Court of Conscience	0	2	6
Ditto on a committal on mesne, or final, process of the City Record Court	0	6	8
On decrees of the County Civil Bill Court, backed by the sheriffs of the city	0	6	8

The fees of the marshal, as keeper of the city marshalsea, and the rates for lodging in the marshalsea, were first regulated by the 10 Will. III. c. 9, sec. 12, 13, the former of which sections enacts, that the following fees, and no other, shall be taken by the marshal, viz.

	£	*s.*	*d.*
For every prisoner committed to his custody on an action out of the Tholsel Court	0	2	6
Committed by the lord mayor for petty debts	0	1	0

And the latter section provides that the marshal shall observe the same rules, and take the same, and no greater rates, for the lodging and accommodation of prisoners, as by that Act appointed for the marshal of the Four Courts.

This statute, with many others relating to prisons, was repealed by the 50 Geo. III. c. 103, but the provisions of it, as to the marshal's fees, and rates, were re-enacted by the 78th and 79th sections of this latter Act, which give the same fees, and no other.

The 50 Geo. III. c. 103, was repealed by the 7 Geo. IV. c. 74, but this last statute does not contain any section respecting the fees to be taken by the marshal. The 139th section of the 7 Geo. IV. c. 74, having, however, excepted the city marshalsea from all the enactments of the statute, save as beforementioned, it would seem that the provisions of the 50 Geo. III. c. 103, re-enacting the scale of fees presented by the 10 Will. III. c. 9, are still in force. We have not found any authority for the increase of the fees, as now charged, above the sums so prescribed.

Although bound, by the statute, to regulate his rates for lodging by those of the Four Courts marshalsea, it was admitted by the keeper of the city marshalsea, that he regulated his rates of rent by custom, that he was not aware of the provisions of the statute, or of the rates charged in the Four Courts marshalsea.

The particulars of these rates, and the mode of enforcing payment of them, and of the fees, will be found in a subsequent part of this Report.

The keeper of the city marshalsea permits prisoners, in custody on mesne process, to go out in the day time, in company with a tipstaff, on payment of a fee of 6*s.* 8*d.*

He appears to exercise a discretion as to whether he will, or will not, receive detainers from the superior courts against prisoners in his custody, and to consider that he is not bound to receive them.

The amount of income of this office has been considerably diminished by the abolition of imprisonment on mesne process for debts under £20.

His emoluments, from rents and fees, are about £250 a-year, making, with his salary from the corporation, his entire income about £280.

He resides in the prison.

91. The Treasurer is the receiver of the rents of the several landed estates of the corporation and of the Pipe Water rents. He disburses them in the several payments authorized by the corporation, and keeps the accounts of their revenues. He prepares and lays before the committee of auditors, and verifies by the requisite vouchers, the annual general accounts. Treasurer, functions of, &c.

This he is bound to do under the second of the "New Rules," mentioned in our account of the office of sheriff, within six months next after the expiration of his year of office.

The accounts kept by this officer, and the system of accounting now established, will be noticed in a subsequent part of this Report. It is sufficient here to observe that under regulations made in the year 1828, all the proceedings and accounts in the treasurer's department are controlled and checked, weekly and monthly, by the accountant, who makes a monthly report to the committee of city leases and finance, showing the balance in bank on the last day of each month.

The payments made by the treasurer are regulated by the acts of assembly, and the deeds of trust of the corporation estates hereinafter noticed. The payments authorized by the latter are made by him without further order; those not so authorized are not made without the authority of an act of assembly, on the certificate of the town clerk, or the warrant of the lord mayor.

CORPORATE BODY.

The treasurer gives security, with two sureties in £5,000, a sum apparently inadequate with reference to the very large income (nearly £30,000) with the receipt of which he is entrusted. It is stated that the sum of £5,000 is considered the largest sum that can possibly be in his hands at any one time, but this assumes (what certainly appears to have been the case in respect of the present officers, since their appointment) a very faithful and careful discharge of their official duties by the treasurer and accountant. A former treasurer, before the present system of keeping the accounts was established, and when the auditing committee are represented as having been much less vigilant than of late years, became a defaulter to the corporation to the amount of about £40,000. He had given security also in the sum of £5,000, and it seems extraordinary that the amount of security for this office was not then raised.

The salary paid to the treasurer by the corporation is £600 per annum. Of this £300 is paid by the Pipe Water establishment. Their salary is supposed to include an allowance of £100 for clerks. The salary was formerly £1,000 Irish currency.

Accountant.

92. The functions of the Accountant have been noticed above in the statement of those of the treasurer, and will be more particularly detailed in a subsequent part of this Report.

This officer does not receive any salary or emolument directly as accountant; but the same officer is also supervisor of the Pipe Water department, and in that character receives a salary of £300 a-year from the Pipe Water rents.

Architect.

93. The city Architect has not any regular salary. He is remunerated for his services, as required, by payment of his professional fees.

Surveyor.

94. The Surveyor prepares maps and plans of the city estates and properties as required by the corporation, and plans to be annexed to all city leases. He is also employed in surveying and proving the state of premises presented as nuisances by the quarter sessions grand jury.

He is remunerated by the corporation according to the business done for them, and is paid by the tenant a fee of £2 2*s.* on every lease. He is also paid for his services in the prosecution of nuisances. This is presented to him by the quarter sessions grand jury.

Law Agents.

95. The Law Agents conduct all suits in which the corporation may be concerned; but cannot institute any without the authority of an act of assembly, except ejectments for non-payment of rent. The rents in arrear are returned to them by the treasurer, and they proceed by distress or ejectment, as they think most advisable.

They do not prepare any of the corporation leases, but in case of sales of corporate property to the Commissioners of Wide Streets, &c. they make out the statement of title.

They have not any fixed salary, but are remunerated for their services by payment of bills of costs furnished as in the ordinary course of professional business.

High Constable, his functions, &c.

96. The High Constable is billet master of the city of Dublin, and acts under the warrant of the lord mayor in procuring carriages, &c. for the military on march.

He attends the lord mayor on occasions of state, and in perambulating the city; and acts immediately under him in calling out the military force on occasions of apprehended commotion.

He also, on every night of performance, attends the theatre royal with a military guard.

The high constable is paid by the corporation a salary of £73 16*s.* 11*d.* a-year, and is allowed an office rent free. The stationery, &c. required in his office of billet master is provided by the corporation.

He is paid half-a-guinea per week by the manager of the theatre.

The duties of this officer as billet master are the most important branch of his functions. The number of soldiers billeted in Dublin has considerably decreased of late years, from some new arrangements made by Government as to discharged soldiers; and we were not apprized of any complaint, now existing, as to the mode in which this part of the duty of this officer is performed. The class of persons on whom soldiers are usually billeted, are the keepers of hotels, inns, public-houses, &c.; and the billet master informed us that on being appointed he was required by the corporation to promise not to engage in any such business. The billeting is regulated by streets, and the billet master stated that about six years ago he returned to Government the number of houses liable to have soldiers billeted on them as 700.

Swordbearer, functions of, &c.

97. The Swordbearer is also clerk of the corn table, and a divisional auctioneer of forfeited pledges.

His duties as swordbearer are to attend the lord mayor, when called upon, and, on occasions of ceremony, to carry the sword of state and cap of maintenance.

He is paid a salary of £73 16*s.* 11*d.* by the corporation as swordbearer.

The office of auctioneer of one of the divisional auction rooms for the sale of forfeited pledges is farmed out by him to an "assistant" auctioneer, for which he receives £3 per week, and he was paid besides a sum of £50 for the appointment. He states that he frequently visits the auction room, and looks over the auction books, to see that the deputy acts correctly towards the public. We have already stated the general objections to the auction rooms, and the system with which they are connected.

The swordbearer's duty, as clerk of the corn table, is to attend at the corn exchange on every market day, and to make out the market notes. He is also employed by the lord mayor to calculate the weekly assize of bread.

This calculation is made from the returns of the prices of corn, grain, and flour from the factors, millers, and bakers. It was stated to us, by this officer, that the calculations are made with the greatest accuracy and exactness, and that the bakers had a clerk in attendance on their behalf to check them; when the assize is struck by this officer it is handed to the lord mayor to be signed by him; and this regulates the price of bread for the ensuing week.

As clerk of the corn table his salary is £60 late currency per annum, paid by the corporation, and he is also paid by them the sum of £16 16*s.* annually, for striking the assize of bread.

As clerk of the corn table he furnishes the market notes to the bakers and factors, for which he is paid by them at the rate of 5*s.* per hundred. This is by private arrangement. He also returns to the Irish Government, weekly, the prices of corn and grain, for which he is paid by them five guineas annually.

The entire annual emoluments of this office may be estimated at £307.

98. The Mace Bearer appears to be usually also officer of commons. Mace Bearer, functions of, &c.

As mace bearer his Functions are merely ceremonial, in attending the Lord Mayor and city authorities on state occasions.

As officer of the commons he attends the quarter and other assemblies of the common council to preserve order and prevent the intrusion of strangers. He issues summonses for all assemblies and committees. It is his duty to have the Lord Mayor's precepts regularly issued to the proper officers of the guilds, to return their representatives to the commons, and the returns are usually delivered to him.

This officer receives a salary of £73 16*s.* 11*d.* from the corporation. He is also paid a guinea from each guild on every precept issued to it, and £1 from each member returned on his being sworn in. The sheriff's peers also pay him £1 each every three years.

He is also paid a fee of 5*s.* on the corporation seal being affixed to the city leases, and considers himself entitled to a fee on the seal being affixed to any other instrument.

He appears also, as we have already stated, to be entitled to a fee of 5*s.* 7*d.* on the admission of a freeman; but the present mace bearer, who was elected about two years since, stated that he had not received any fees on the admissions of freemen. He calculates his average income at about £200 a-year.

99. The Clerks of the Commons attend all meetings of the common council, arrange and read to the meeting all the papers laid before them, put the motions, resolutions, &c. in proper form, and advise the sheriffs when required on any point which may arise in the assembly. They enter the proceedings in the books of the commons, and have the custody of those books. Clerks of the Commons.

The senior clerk is now paid a salary of 80 guineas per annum. The junior clerk's salary was £20 a-year, and is now reduced to £16. The difference of salary between the two clerks in favour of the former, appears to be a personal compliment to the present senior clerk given to him about 20 years since for his long and faithful services to the corporation, with which he has been connected for 50 years. The salary of each clerk was previously the same.

The clerks of the commons receive a fee of 4*s.* 7*d.* on each admission of a freeman, and 10*s.* on the execution of every city lease.

The fees are divided equally between the two clerks.

100. The city Chaplain has not any particular functions as such, and is not paid any salary. Chaplain.

The present chaplain is the incumbent of one of the livings in the gift of the corporation, to which he was presented by them some time after his appointment as chaplain.

101. The Beadles attend the civic authorities on state occasions, and they also act as staffmen to the Lord Mayor. Beadles.

One of the beadles is paid a salary of £12 of the late currency, the other £10, by the corporation.

102. The Staffmen attend the Lord Mayor on his visits of inspection to the markets, shops, &c. Staffmen.

The conduct of these officers in reference to the Lord Mayor's Court will be noticed in a subsequent part of this Report.

103. The Deputy Clerks of the Market adjust and seal all weights and measures used in the county of the city of Dublin. Deputy Clerks of the Markets, their functions, &c.

A statute of the Irish Parliament, 21, 22 Geo. III. c. 29, s. 6, provided that all weights and measures used in the county of Dublin should be sealed by the same persons by whom they were sealed in the city. That provision was temporary, and has long expired.

They accompany the Lord Mayor in his visits to the markets, shops, &c. where weights and measures are used for sale of any commodities, and take charge of all weights and measures seized by him as unlawful, and receive the fines imposed by the Lord Mayor on the persons found in possession of them. It appears that these officers have, at times, seized weights without the presence of the Lord Mayor or of any of the market jury.

They also sell weights and measures, a practice which is complained of as inconsistent with the due discharge of the duties of their office.

The following is the table of fees hitherto charged by these officers:

	lb.	*s.*	*d.*
Sealing for the trade, metal weights of	56	0	4
,,	28	0	4
,,	14	0	3
,,	7	0	3
,,	4	0	2
,,	2	0	2

CORPORATE BODY.

	lb.	s.	d.
Sealing brass weights for the public and trade, each weight		0	2
Adjusting, sealing, leading, &c. metal weights, sent by the public	56	1	3
„	28	0	10
„	14	0	8
„	7	0	6
„	4	0	4
Sealing pewter and tin measures from one quart down to half a noggin, each		0	2
Sealing and trying copper measures	5 gallons	1	1
„	1 ditto	0	6½
„	quart	0	3½
All weights sent by the public to be tried and found correct, for stamping		0	2

The statute 4, 5 Will. IV. c. 49, regulating the appointment of Inspectors of weights and measures, and establishing a schedule of fees for the above purposes, was passed subsequent to the conclusion of our Inquiry.

Other Officers connected with the Markets.

104. The statement of the functions and emoluments of the other Officers, above enumerated as connected with the Markets of Dublin, namely,

The Inspector of the haymarket,
Clerks, or weighmasters, of the haymarket,
Weighmasters of the butter crane,
Weighmaster of the green hide crane,

will be more conveniently reserved to the subsequent portion of this Report which describes the several markets.

Officers connected with the Pipe Water Establishment.

105. The consideration of the functions of the several Officers connected with the Pipe Water Establishment is also, we think, more properly to be referred to our account of that branch of the city estates, and the local taxation of Dublin. We shall here merely repeat the names of those officers, and state the salaries payable to each:

	£	s.	d.
Master of the Works	none.		
Engineer	230	15	4
Storekeeper (also Book-keeper)	92	6	0
Inspector of Collectors	184	12	4
Collectors, a poundage.			
Supervisor	300	0	0
Overseer	110	15	4
Inspector of Turncocks	110	15	4

Freemen, Privileges of.

106. The Privileges and Functions of the Freemen in the election of members of the common council have been stated.

Such of them as have been duly registered under the Reform Act, and are resident within seven statute miles of the sessions house in Green Street, are entitled to vote at elections for the Members of Parliament for the city.

They were exempt from the city customs, when collected.

They are entitled to appear, without giving special bail, to process against their persons in the City Record Court.

IV. JURISDICTION.

Criminal Jurisdiction.

107. The Jurisdiction of the magistracy of the county of the city of Dublin is exclusive of the magistrates of the county at large.

To a certain extent, the magistrates of the county of the city have jurisdiction in the county of Dublin, under the peculiar provision of the 33 Geo. II. c. 16, which makes them justices of the liberties, but without power to sit at any sessions of the peace for the county.

The earliest express grant we have found of criminal jurisdiction to the corporate authorities, is in the charter of 7 Henry V., which constituted the mayor and bailiffs justices of the peace, and of labourers. This was followed by the charter of 2 Richard III., making the mayor and recorder justices of oyer and terminer, and gaol delivery, within the city, its suburbs, and franchises, as well by land as by sea, and on the fresh water, with liberty to hold the city gaol.

The next charter relating to this subject is that of 17 Charles I., which declared that the mayor, recorder, and six senior aldermen, who had served the office of mayor, should be justices of the peace within the city, and that they, or any four of them, of whom the mayor or recorder should be one, should be justices of oyer and terminer and gaol delivery.

The charter of 1 Geo. II. extended the provisions of the 17 Charles I., by granting that all

the aldermen who had served the office of mayor, or been excused from serving it, on payment of a fine, should be justices of the peace.

The statute 33 Geo. II. c. 16, finally conferred the office of justice of the peace on all the aldermen of the city.

The 19th section of this statute provided that the lord mayor or recorder, and any two of the justices of the peace for the city, should have power to hear and determine all matters which the lord mayor, or recorder, and any three justices could hear and determine.

Court of Quarter Sessions.

108. Under the authority of this last provision the present Court of Quarter Sessions of the Peace for the county of the city appears to be held, and accordingly it is considered necessary that two aldermen should attend with the mayor, or recorder, to constitute the court.

Judges of.

We have noticed, in our account of the functions of the aldermen, the mode in which this duty has been performed by them.

The whole effective business of the court is done by the recorder.

The lord mayor has not latterly presided, except at the opening of the sessions, upon the quarter-day; and the attendance of the aldermen appears, in fact, to be little more than ceremonial, while their want of punctuality has not unfrequently produced public inconvenience by delaying the proceedings.

No attempt has been made to dispense, in practice, with the attendance of the aldermen, by acting on the 39 Geo. III. c. 55, s. 4, which empowers the recorder, or his sufficient deputy, being a barrister of six years' standing, to preside at all quarter sessions, and adjournments thereof, although the chief, or other magistrates, should not be able to attend the same.

Some of the formal business of the court has been done before the lord mayor and aldermen alone; but no trial can (under the provisions of the statute 39 Geo. III. c. 55) be proceeded upon without the presence of the recorder, or his deputy, appointed under the 21, 22 Geo. III. c. 42, s. 5, as noticed in our account of the election of the recorder.

Jurisdiction

The Jurisdiction of this court was, originally, limited to the trial of crimes and offences committed within the county of the city of Dublin; but has been extended by the Dublin Police Act, 48 Geo. III. c. 140, s. 57, to all crimes and offences committed in any place situate in or upon the circular road, or any place within the limits circumscribed by that road. (See *ante*, title LIMITS.)

All crimes and offences committed within these limits, except treason, are within the cognizance and jurisdiction of this court. In practice the trial of offences of a serious nature is reserved for the Commission Court, held before two of the judges of the superior courts, (with whom the lord mayor is formally associated,) as noticed in the statute 2 Geo. II. c. 15.

That statute recited the increase of murders, felonies, and other crimes, in the city and county of Dublin; and that persons committed after term for murder, and other crimes, made treason by Act of Parliament, and divers felons were frequently obliged to continue in confinement during a long vacation, in regard such traitors and felons could not be tried at the general quarter sessions of the peace held for the county of the city of Dublin, and county of Dublin, the power and authority of the justices of the peace not extending to the trial of treasons, nor to all felonies; and that it would be of great service that the gaols should be frequently cleared of the prisoners, which could not be effectually done, unless special commissions of oyer and terminer, and gaol delivery, should issue, and be from time to time continued by adjournment, as occasion might require, for the trial of all the prisoners in the said gaols; and it provided that the place where the Court of King's Bench sat, and the chambers and area belonging to it, should be both in the county of the city of Dublin, and the county of Dublin, for the purpose of executing such commissions.

A similar provision as to the sessions house in Green Street, where the Commission Court now usually sits, is contained in the statute 35 Geo. III. c. 25, s. 3.

Besides the trial of offenders, and presentment of nuisances, already noticed, the Court of Quarter Sessions has extensive jurisdictions in cases of appeal from summary convictions, had before the city magistrates, under penal Acts of Parliament; in granting certificates for Excise licences, and exercising the various other authorities conferred on Courts of Quarter Sessions in Ireland; with the exception of the registration of voters for the county of the city of Dublin under the Reform Act, which is now vested, by the Reform Act, in a deputy, specially appointed for the purpose, by the chairman of the quarter sessions for the county of Dublin.

The grand jury also possesses powers of presenting money for certain purposes, already partly noticed, and more fully detailed in the subsequent part of this Report, relating to the grand jury and other local taxation of the city.

It was provided by the Dublin Police Act of 1795, 35 Geo. III. c. 36, s. 45, that the sessions of the peace for the county of the city of Dublin, and county of Dublin, should not be adjourned for any greater length of time than from six weeks to six weeks; and that such sessions might be held during the law terms. This statute was repealed by the 48 Geo. III. c. 140, (the present Police Act;) but the 57th section of this latter Act contains the same provision.

Practice of Sittings.

The Practice of this court, in reference to the frequency and duration of its Sittings, has varied with the convenience of successive recorders.

Formerly the court sat by adjournment once in the fortnight upon each second Tuesday. The calendar was made up to the Saturday night previous, unless special application was made to bring on any case which had occurred in the intervening three days.

All custody cases within the jurisdiction of the court were disposed of, and by this arrange-

JURISDICTION.

ment no prisoner would, generally speaking, be confined longer than one fortnight previous to trial. However, from the court sitting but one day at each adjournment, which was little more than sufficient to afford time for getting through the trials of persons in custody, a very large arrear of traverse, or bail cases, accrued; some part of which actually remained in arrear for seven years, until the present recorder, by devoting a considerable portion of time and attention to this object, got through the whole arrears of from 200 to 300 cases.

Previously to the year 1825, the recorders practised generally at the bar, and were in the habit of adjourning the court to suit their professional engagements, not, however, for any longer period than three weeks.

The 5 Geo. IV. c. 120 has, as already noticed, prohibited the recorder for the time being from practising as a barrister within the limits of the police district of the metropolis, and provided for him the compensation of an additional salary of £600 a-year.

The recorder is, therefore, now enabled to arrange the sittings of the court with regularity to suit the convenience of the public.

Shortly after the appointment of the present recorder, he was induced, by the very general complaints made of the inconvenience resulting from the former practice of this court, to adopt a system which has had the effect of making the sittings more certain, and has given considerable satisfaction.

The general quarter sessions are held in the beginning of the months of January, April, July, and October, in each year, and the court continues to sit until all the business before it, including custody and bail cases, is disposed of. Should any custody cases occur, whilst the recorder is engaged in other judicial duties incidental to his office, at quarter sessions, they also are disposed of before the adjournment of the court.

Number of Cases.

The Number of custody Cases for trial at each general quarter sessions is, usually, small, owing to the arrangement of the adjournments; and this affords time for the trial of the bail or traverse cases, which are tried after all the custody cases are disposed of.

The number of bail cases at each sessions (since the arrear was disposed of) varies from 60 to 100.

The general period for which the sessions have been latterly adjourned, is one month, never for any shorter period; but adjournments have been made for five or six weeks, which is represented as being considerably longer than in any former recorder's time.

At these adjournments all custody cases, which have occured from the last sitting, are disposed of. They vary from 100 to 200 in number, and occupy from three to four days at each adjournment. This is the only business done at adjournments, as bail cases are tried only at the general quarter sessions.

Under the present arrangements 12 gaol deliveries take place in the year, of all offenders whose crimes are within the jurisdiction of the court, and in which the informations and recognizances have been returned to the quarter sessions.

The first business transacted at each general quarter sessions is to fiat the presentments of the out-going grand jury.

The number of presentments sent up at each quarter sessions varies from 150 to 200.

It was formerly the custom for the lord mayor and aldermen to hold a court upon the Thursday previous to the adjournment day, and to swear witnesses and send up bills of indictment to the grand jury, in order to prevent any delay for those purposes at the sitting of the recorder. This practice has been given up in consequence of the additional inconvenience which it caused to grand jurors and witnesses by requiring a second attendance.

The hours of sitting are now from 10 to 5 o'clock. Previously to the appointment of the present recorder, the hour at which the court sat was eleven.

Juries.

The composition of the grand Jury in this court has been already noticed in our account of the functions, &c. of the city sheriff. Each grand jury is sworn for the quarter.

The attendance of petty jurors is occasionally enforced by the imposition of a fine of £2. There have been frequent complaints to the court, by individuals, of their having been too often summoned as petty jurors. It has been, until of late years, too much the practice to summon the same persons as well to the grand as to the petty juries. There is, in fact, no regulation to control the exercise of the discretion of the sheriffs on the subject, and the recorder has found it necessary to interfere by intimating to the sheriffs his wish that the duty of attending as petty jurors in this court should be apportioned fairly among those liable to be summoned.

This intimation has been attended to; and there seems now to be an understanding that the same individual is not to be summoned as a petty juror more than once in six months.

The duty is irksome, and, being without remuneration, it is very desirable that the jury panels should be so arranged as to produce the least practical inconvenience to those called on to attend.

The fines imposed on jurors are estreated into the exchequer, if not previously remitted by the court on application supported by affidavit. The clerks of the peace charge a fee of 6*s*. 8*d*. on the filing of every such affidavit.

Should the sitting of the court continue over four days a new jury is impanelled, and so for every period of four days during the sittings.

Market Jury.

A Market Jury is sworn for each quarter under the statutes relating to such juries.

Summoner of Witnesses.

The only officer of the court we have not already noticed is the Summoner of Witnesses. The clerks of the peace, as we have noticed in the account of the functions of the town clerk, summon prosecutors and witnesses in all bail cases, for which they receive a presentment of £21 half-yearly. Prosecutors and witnesses in custody cases are summoned by an officer of

the court called the summoner of witnesses, and a presentment of £20 each quarter is made to him by the grand jury for the performance of this duty.

Fines imposed on persons convicted in this court are considered to belong to the corporation under their charters, and are returned to the treasurer by the clerks of the peace, and accounted for as part of the casual revenue of the city. Fines.

According to the present arrangement of this court it must rarely happen that a prisoner can be in custody more than a month before trial; and it is the habit of the recorder in passing sentence of imprisonment to date the term from the committal. A very great portion of the offences which are tried at sessions are, however, of a character deserving of little more than a few weeks' imprisonment; the greater number of the offenders are juvenile, and the common place of confinement of prisoners untried is the gaol of Newgate. To this prison it appears that the average weekly amount of committals is about 50, and nearly one-third of the prisoners are females. From the want of accommodation in the prison, and the defect of classification, (there being, in fact, none whatever among the female prisoners,) it is of great importance that the term of confinement in Newgate before trial should be as short as possible, with a view as well to the speedy release of those who may be acquitted, as to the removal of those found guilty from a very demoralizing place of confinement to one under better regulations as to discipline and classification. Observations on the period of sitting.

The speedy trial of offenders of the class usually brought before this court, must also be of importance in the frequent cases of crimes committed on the property of strangers resorting to the metropolis.

Looking to these considerations, and to the number of weekly committals, we think that the arrangements of this court are capable of much improvement in reference to the periods of its sittings. In the city of Cork the Court of Quarter Sessions is held weekly by the recorder for the trial of offences, and we are not aware of any satisfactory ground of objection to the adoption of the same arrangement for the extensive and populous district of the metropolis; an arrangement, which, in fact, was acted on for some time by the late recorder, Sir Jonas Greene; while we think that the convenience of jurors, prosecutors, and witnesses, and the protection of the public at large, by the trial of offenders recently after the commission of their crimes, would be materially advanced by the alteration.

The saving of the expense of maintenance of prisoners ultimately acquitted from their being discharged after only a few days' confinement, is a minor but not unimportant advantage, which would result from the adoption of weekly sittings.

109. We have already noticed, in our account of the functions of the aldermen, the Rotation, or Crown Office, attended by them in their character of justices of the peace. We have no observations to add, in this place, to what we have there stated of the exercise of magisterial jurisdiction by the justices of the peace out of sessions. The despatch of business by the divisional justices at the Police Offices, is noticed in the part of this Report relating to the police establishment. Rotation, or Crown Office. Police Offices.

110. As chief magistrate of the city, the lord mayor holds the court called the Lord Mayor's Court, of which he is the sole judge. Lord Mayor's Court.

This court is held every Thursday at the City Sessions Court House, in Green Street.

On other days of the week the lord mayor frequently holds the court at the Mansion House, and at such times as may be convenient to him.

This court is not noticed in any statute or charter, and its arrangements depend merely on usage, and are very much at the discretion of the lord mayor.

When the court is held at Green Street, it is open to the public; but at the mansion house the lord mayor holds it in a private apartment, to which usually no persons are admitted but the parties interested. It is at the option of the party applying for a summons to take it out either for Green Street or the Mansion House. In the latter case an additional fee is charged for the summons.

This court is held chiefly for the exercise of the summary jurisdiction given to the lord mayor, as chief magistrate of the city, by various statutes.

The cases usually entertained in it have been:—

1. Complaints by servants and labourers for wages. In these cases the lord mayor has jurisdiction to the amount of £6, of the late Irish currency, under the 54 Geo. III. c. 116.

2. Disputes between masters and apprentices.

3. Penal prosecutions against grocers and publicans for violation of the sabbath, contrary to the provisions of the statute 7 Will. III. c. 17, and of the 55 Geo. III. c. 19, s. 58.

4. Prosecutions against masters of vessels for having fires on board their ships in the Liffey, in violation of the statute 34 Geo. III. c. 8, (lately repealed by the 3, 4 Will. IV. c. 26.)

5. Prosecutions against butchers for slaughtering cattle in the markets contrary to the 17 Geo. II. c. 6, s. 4, by which the beast so slaughtered is, on conviction, forfeited for the benefit of the poor of the parish, and if not of the value of 10*s.*, a fine of 5*s.* may be also imposed and given to the informer.

By the statute 7 Will. III. c. 17, a fine of 5*s.*, of the late Irish currency, is attached as a penalty to the exposing goods for sale on Sunday, and a fine of 10*s.* is imposed on keepers of houses of entertainment, for giving entertainment to persons during the hours of divine service. The statute directs, that the whole of those penalties shall go to the poor of the parish in which the offence was committed, except that, in the case of the 5*s.* penalty, it authorizes the justice to give any portion thereof, not exceeding one-third, as a reward to the informer.

Under the 55 Geo. III. c. 19, s. 58, the penalty is £5, half to the prosecutor and half to the poor of the parish.

JURISDICTION.

None of the above penal Acts gives any power to add costs to the penalties imposed.

The forms of proceeding in this court, where regularly observed, are similar to the ordinary course in cases of summary convictions, and orders, by justices of the peace.

Fees.

The Fees claimed on the proceedings are stated in the following table:

	£	s.	d.
Summons for the court	0	1	3
Entering ditto	0	0	5
Private summons for Mansion House	0	2	6
Dismiss	0	1	6
Oath of dismiss	0	0	6
Notice of adjournment	0	0	6
Warrant	0	3	9
Cancelling indentures	0	10	0
(If the parties are poor this fee is reduced one-half.)			
Information for committal of an apprentice	0	3	4
Lodging notice of an appeal	0	6	2
Lord mayor's signing adjudication for the quarter sessions	0	6	2
Five per cent. on money lodged for a rehearing.			

The constables of the court also claim 1*s.* in the pound on warrants given to them to execute. This is paid by the plaintiff out of the amount levied, but not charged to the defendant.

A fee of 6*d.* is charged for each witness sworn to give evidence before arbitrators on cases referred to arbitration.

Observations.

The jurisdiction of this court, as exercised in civil cases, does not call for any particular Observations; but the mode in which it has been applied in enforcing the penalties prescribed by the statutes above mentioned requires especial notice.

The informers are the constables in attendance on the court, including the staffmen of the lord mayor. The usual number of them is six. No other persons are allowed to prefer informations. These constables are expressly appointed and sworn for the purpose of going through the city, and informing on persons found violating the provisions of the statutes. They appear to be in some instances in partnership in their proceedings, and one of them in partnership with the register of the court, the officer by whom the summonses are issued.

No sworn or written information is lodged by these informers; but, on applying to the register for summonses, they give him a list of names of parties to be summoned, and he delivers to them the required number of summonses, generally in blank, charging for each the sum of 1*s.* 8*d.*, being the amount of the fees of 1*s.* 3*d.* for the summons, and 5*d.* for the entry, as in the above table.

These cases are most commonly heard in private at the Mansion House. There is not any formal adjudication, or record, made up, nor return made to any public office, or authority, of the cases heard, or fines imposed; and the secretary's books merely state the date of the hearing, the names of the parties, and the fines, without any specification of the offence, or account of the disposal of the fines. No such account is published in any way.

The fines are generally paid without warrants being issued to levy them; and it appears that in some cases the secretary has abstained from issuing warrants in consequence of the irregularity of the proceedings and his apprehension of the consequences.

The fines imposed are, in the first instance, paid to the register of the Lord Mayor's Court, and he pays them over to the lord mayor's secretary, who deducts from the amount the fees due to him for the court fees on the proceedings. The fines are disposed of without much regard to the statutes under which they have been imposed. Generally one-half is given to the informer. The residue is paid over to the lord mayor, or disbursed by the secretary on his orders. We have not ascertained that any account is kept by the lord mayor, or his secretary, of the mode in which the moiety not paid to the informers is disposed of. The lord mayor disburses it entirely at his discretion for charitable purposes, instead of handing over the amount, as directed by the statutes, to the use of the poor of the parish in which the offence was committed.

There is no reason for supposing that any part of the amount is applied by the lord mayor to any other purpose; but we apprehend that the application of any part of these moneys in aid of the funds of the officer who imposes them, even to objects otherwise meritorious, is a departure from the express provisions of the statute; and is objectionable as appearing to give to the magistrate, to some extent, an interest in the result of the proceedings.

The lord mayor has refused to pay over the fines imposed on vessels for having fires on board in the Liffey to the churchwardens of St. Mark's parish, which adjoins the river, on the ground that the churchwardens could not show that half the river was in that parish; and even when they had, apparently, established the point, the parish did not succeed in obtaining the amount.

Those fines were represented to us to amount in some years to very considerable sums. The amount is not capable of being ascertained, as they are sometimes mitigated, and, in some cases, part has been returned. There were in the year 1833 about 1,400 informations, and it was admitted that in that year the fines were about £200. Evidence was adduced to show that in other years they had far exceeded this sum. In one year they were admitted to have been £800. In some they were inconsiderable.

JURISDICTION.

The existence of a very remarkable practice as to compounding for fines was admitted by the register of this court. The usual fine on a publican for breach of the sabbath is 4*s.* 7*d.*, present currency, equal to 5*s.* of the late currency. It appears that, in the beginning of the year of office of the lord mayor, publicans on whom such fines may be imposed, instead of merely paying the fine, hand to the register £1, which they desire that officer to keep, not only to pay the fine already imposed, but to cover future fines for the remainder of the year. This sum is calculated as discharging three such fines, and the officers' fees on the summonses. The register informs the party that he shall not be again troubled for that year. The consequence is, that the informers of the office visit him no more, and he thus purchases a species of licence to violate the sabbath for the remainder of the year.

A nearly similar course appears to have been acted on in reference to fines on vessels having fires on board in the river; and evidence was adduced before us to show that the power of inflicting penalties for this offence had been resorted to as a mode of enforcing from the owners of oyster-boats the tribute of oysters claimed by the lord mayor.

In most cases heard in this court a right of appeal exists for the defendant to the next quarter sessions, on lodging notice whereof, a fee of 6*s.* 2*d.* is paid to the secretary or the register, and a similar fee is paid into the office for the lord mayor's signature to the adjudication to be returned to the sessions.

The defendant is also entitled, according to the practice of the court, to have a rehearing in every case, on lodging the money in court, with 5 per cent. on the amount. On each rehearing there are the same costs as in the case of an original summons, in addition to the poundage.

On the whole we feel bound to observe that the entire system of this court, as to penal prosecutions, appears to operate, if not to be continued, more to the creating a lucrative situation for the secretary, and emoluments for the staffmen and constables, than to serve the public interests by an effective administration of the law.

CIVIL JURISDICTION.

Lord Mayor and Sheriffs' Court.

111. The chief Court of Civil Jurisdiction connected with the corporation is the Lord Mayor and Sheriffs' Court, held under the charters of John and other monarchs, giving jurisdiction of pleas to the citizens of Dublin.

Amount of Jurisdiction.

The Jurisdiction of this court is unlimited in amount, but causes of action under 40*s.* of the late currency are considered as excluded from its jurisdiction. It has cognizance of all personal actions.

Judges.

The lord mayor and sheriffs are the Judges of this court, aided by the recorder as assessor.

Both the sheriffs are summoned, and are generally present at the sittings of the court; but it is conceived that the business of the court may be proceeded with if the lord mayor and one of the sheriffs be in attendance. The presence of the lord mayor is indispensable.

Times of present Sitting.

The court sits every three months for the trial of records. These Times of Sitting have been fixed by the judges of the court, and not by charter.

Motions in Chamber.

Motions in Chamber are heard at the sessions house in the intervals between the sittings, generally before the recorder, without the presence of the lord mayor or sheriffs, and his orders afterwards receive the sanction of the lord mayor and sheriffs.

The lord mayor occasionally hears such motions without the recorder, but applies to the recorder upon any legal difficulty, who then hears the question discussed before him.

Prothonotary.

The town-clerks are the registers and Prothonotaries of the court.

Process.

There are three kinds of Process issued from this court for the purpose of commencing proceedings.

Action.

1. An Action against the person. This issues on an affidavit, sworn before one of the judges of the court for a cause of action of £20, or upwards, upon which the town clerks, as the prothonotaries, issue and sign the action.

Attachment.

2. The second form of process is an Attachment against the defendant's goods to compel his appearance, which issues on an affidavit of the debt, sworn in the same way. The affidavits must, in both cases, specify that the causes of action arose within the limits of the city. The attachment is founded on a fiction. It supposes a previous summons, which is never served, or attempted to be served. It is, in form, issued to the serjeant at mace, at the same time with the attachment, but dated a week before. Upon this summons the serjeant at mace makes a formal return of "*non est.*"

Return Days.

There are no fixed Return Days for the summons, attachment, or action. They continue in force for the lord mayor's year of office in whose time they issued.

The recorder has decided that the late statute, limiting arrest to debts amounting to or over £20, does not apply to the attachment against the goods, as not being a proceeding directly against the person.

The attachment is, as we have stated, merely a process to enforce an appearance. It is discharged on bail being given and an appearance entered.

This process is issued for debts of any amount over 40*s.*

Foreign Attachment.

3. The third form of process is that of Foreign Attachment. This is issued for the purpose of attaching money or goods of a defendant, in the hands of a third person. An affidavit of the debt is required.

It is generally suggested in the affidavit, but held not to be necessary, that the plaintiff understands that the third person has such money or goods in his hands.

JURISDICTION.

This process is also issued on a formal return of "*non est*," on a supposed summons. It is served on such third person, who is called the "garnishee."

Practice.

There is no book of the rules or Practice of the court. They are handed down in the usages of the office.

The present town clerks, a few years since, had made up to some extent, and returned to us, a printed summary of the practice of the court. When a difficulty occurs as to the practice, the judges refer to the prothonotary, upon whose report they act. The only material alteration made for some years in the practice of the court has been in the mode of taking bail. The prothonotary formerly took bail. It is now taken by the judges, or one of them.

The condition of the recognizance of bail is to render the body to the marshal or to pay the debt. It is the same in an attachment against the goods; and, in consequence, the body may be rendered in discharge of the bail in a case of a debt under £20, though not liable to arrest in the first instance.

In attachment cases the proceeding must be (and it has been so decided by the court) in the form of an action of debt, and not upon the case.

It must be for a cause of action for which an action of debt will lie at common law; and if the affidavit be defective in this particular, the attachment will be discharged.

In the forms and course of pleading the court observes the practice of the superior courts. The proceeding by foreign attachment is regulated by the practice of the city court of the corporation of London.

The execution of the process of the court has been noticed in our account of the offices of marshal and serjeant at mace.

Rules.

The court days for entry of Rules, &c., are Monday and Thursday.

A rule may be entered on either of the court days. A four-day rule had on Monday will not run out on the Thursday next after, as there must be four clear days. Thus, on a rule to plead given on Monday, the other party has all the following Thursday to plead, and no rule can be entered on his default until the following Monday.

However, if a rule for judgment be entered on a Monday, the party is entitled to mark judgment on the Friday after, as of the preceding Thursday.

In bail cases the appearance is entered as of the court day previous to that on which the bail is actually taken, and the plaintiff may declare on the next court day.

In an undefended case execution may be had in 21 or 22 days after the seizure of the goods, or arrest of the person.

If a defence be made, and bail given by the defendant, he obtains the release of his goods out of custody, and in practice he cannot appear and defend the action without giving bail, even although his goods may continue under seizure.

In cases of actions against the person, undefended, there is an interlocutory judgment, and the course of holding the writ of inquiry on it is the same as in the superior courts. But in attachments the judgment is final in the first instance, the action being in debt.

Writs of inquiry are held before the marshal.

The ordinary computation of the sum due on judgments by defendants is done in the town clerk's office.

The rules entered in each cause are posted in the town clerk's office, where it appears upon an affidavit that a search has been made for the residence of the party whose goods are attached, and that he has no residence within the jurisdiction at which he could be served.

When the party is known, and his residence is within the jurisdiction, the service must be made accordingly.

Removal of Causes.

Causes are frequently removed by writs of *certiorari* and *habeas corpus* for delay, and it is in evidence before us that this liability of removal diminishes the business of the court, and is productive of great inconvenience to the suitors.

Privilege of a Freeman.

In proceeding by action against the person of a Freeman, upon notice of the action being issued, he is allowed 24 hours to enter common bail, which he may do.

Freemen are not exempt from attachment of goods. That exemption has been claimed in some cases, and the question was discussed before the recorder, but the claim was not allowed.

Of late years, since the limit of £20 was established, actions against the person are not frequent.

In the proceedings by attachment, the recognizance of bail is regulated by the amount of the debt sworn to in the affidavit, and not by the value of the goods seized.

There have been occasional proceedings against bail by *scire facias*.

No table of fees is posted in the town clerk's office.

Costs, by whom taxed.

The Costs are taxed by the town clerks.

Fees reduced.

A table of Fees was drawn out some years since. It was subsequently reduced in amount, as the attorneys complained the fees were too heavy on their clients.

Attorneys.

The Attorneys of this court must previously be admitted in one of the superior courts. They pay six guineas in this court as a fee with the stamp duty on their admission.

This fee of six guineas is divided between the lord mayor, sheriffs, and town clerk.

It is stated that in practice there is seldom more than two guineas charged, which is the town clerk's portion of the fee.

All pleadings are signed by counsel; but such signature is not considered necessary in actions for less than £5, though in point of fact pleadings in such actions have been so signed.

Costs to Execution.

The Costs of bringing to Execution an undefended action for £10 are about £5.

JURISDICTION.

The judges of the court think they have no power of granting New Trials, and never grant any. This we think a defect in its practice, especially as the jurisdiction is unlimited in amount. New Trials.

Ejectments and Replevins are never tried in this court.

In practice any person, though not a citizen or freeman, may sue in this court, and it holds plea of all debts contracted in Dublin, without regard to the residence of the parties. Ejectments and Replevins.

All writs of execution issue to the marshal, who returns them to the town clerk's office when executed, if so required by the plaintiff's attorney.

The present reduced table of Fees and Costs, before alluded to, is not now complained of. The fees had been, before their present reduction, increasing for many years, and we have been informed they are now, on proceedings under £20, as low as it is possible to make them on such proceedings, which are in form the same as in the superior courts. Present Scale of Costs and Fees.

Very few causes come to trial.

The town clerk is of opinion that the proceeding by attachment has a tendency to procure the settlement of demands sooner than they otherwise would be, as a defendant can secure his person from arrest easier than he can his goods.

It is a proceeding which he says the citizens would not like to lose; it has been abused. It is now better regulated, and he has not heard any complaints that goods have been sold at an undervalue under this process.

When a cause in this court is brought to Trial, the course of proceeding is the same as in the superior courts, except that Judgment is marked *Instanter*, on the verdict being brought in. Trial and Judgment *Instanter*.

There is no opportunity of moving in arrest of judgment; any point that might lead to such a motion must be discussed before the issue is handed to the jury.

The Sittings for trial of Records are quarterly; and, from the small number of cases brought to trial, it does not appear that any practical inconvenience arises from that arrangement. Record Sittings.

The court would appoint (we are told by the town clerk) a day for the trial of any cause on a satisfactory affidavit, stating a risk, or great inconvenience, to the parties, such as may arise from a witness being about to leave the kingdom; and that he knew an application of this kind granted.

The business of the court has decreased very much in the time of the present town clerk, which he attributes to the power of removal to the superior courts.

Writs of error are occasionally brought, the returns to which do not state under what authority the court is held, whether by charter or otherwise.

The town clerk recollects only one writ of error successful, and that was for some mistake of the attorney. There was nothing in it involving any question as to the jurisdiction of the court.

The right of issuing attachments, we were told, had been tried about 20 years ago, on a special verdict in a replevin suit in the King's Bench, and the right was held to exist. We were not furnished with a copy of this record.

The recorder receives no fees in this court.

The Fees of the Serjeants at Mace upon attachments are, Fees of the Serjeants at Mace.

One shilling in the pound on the first £10.

Sixpence on every pound after, as high as £50, and for this they must execute process to any amount above £50.

They have the same fees on process against the person, and are entitled to 6*d.* on a fractional part of a pound.

The fees payable to the marshal on final process are regulated by the amount of the debt, and have been already stated. He has fees on the sale of the goods, even though the serjeant at mace has charged his fees on the same goods, when seized under the attachment.

Upon a judgment by default, when goods have been attached, the plaintiff, before execution issues, enters into a recognizance. Upon the judgment being signed, a writ immediately issues to the marshal to appraise the goods, and the plaintiff's recognizance is in double the amount of that appraisement. This recognizance is generally entered into by the plaintiff and some responsible person with him, and is conditioned that the plaintiff shall have the appraised amount forthcoming for a year and a day, in case the defendant shall come forward and disprove the debt.

The town clerk has never known a defendant to come forward under these circumstances; and he also thinks that the proceedings would be erroneous without such recognizance, which is set out in returns to writs of error.

In process of foreign attachment, costs are given against the garnishee only down to the judgment; and no costs are given to either party on the *scire facias* against the garnishee, there being no power in the court to give them.

Upon the whole of the evidence relating to this court it appears to be desirable that the recorder, or some other legal person, should be constituted a member of it, that the jurisdiction should be limited in amount, and the power of removal of causes by *habeas corpus* and *certiorari* should be restricted, or abolished.

112. The Civil Bill Court for the county of the city of Dublin is held, as stated in our account of the functions of the recorder, under the statute 31 Geo. II. c. 16. Jurisdiction in cases of ejectment for non-payment of rent is given to the recorder by the general statutes giving such jurisdiction to assistant barristers. Civil Bill Court.

An appeal is given by the 31 Geo. II. c. 16, s. 5, to the chief justice of the Court of King's Bench or Common Pleas, or chief baron of the Exchequer, sitting at Nisi Prius.

JURISDICTION.

This is a court of record under these statutes, and by the 38 Geo. III. c. 25, s. 7, must be held four times in the year, as nearly as may be at equal distances from each other.

Cases of contract within the jurisdiction of the Court of Conscience cannot be brought into this court, as, by the 31 Geo. II. c. 16, the debt sued for must be over 40*s*. The utility of such a court, held for the recovery of small debts before acompetent professional judge, is, from this restriction, much diminished.

The clerks of the peace are the registers of the court for the trial of ejectments. In cases of contract the register is an officer appointed by the recorder, under the 31 Geo. II. c. 16, s. 4.

The fees of the court are the same as those paid on such proceedings in the Civil Bill Courts of assistant barristers.

By the 31 Geo. II. c. 16, s. 2, every dismiss and every decree for any sum under £10 must, in the first place, be attempted to be levied on the goods of the person or persons against whom such dismiss or decree shall be obtained. Execution against the body may be issued if the debt be not levied or paid within three months after serving the party with a copy of the dismiss or decree.

This court is now held in the months of January, April, July, and October, on the 20th of each month. There is business for two or three days' sittings. The number of civil bills in cases of contract is stated by the recorder to average about 300; and of civil bill ejectments about 12 in each quarter.

Juries are very seldom resorted to in this court, and the recorder stated, that, as far as he could observe, he found very little desire on the part of the suitors to resort to a jury.

Court of Conscience.

113. The Court of Conscience is a court held for determining causes between party and party, under the value of 40*s*. of the late currency.

In the statute 33 Geo. II. c. 16, s. 15, before noticed, this jurisdiction is stated to have been held from time immemorial, and it was thereby established, ratified, and confirmed.

We have noticed the provisions of this Act, and of the 11, 12 Geo. III. c. 11, s. 71, respecting the president of this court and his deputy.

A recent enactment, 1, 2 Will. IV. c. 31, s. 23, gives in certain cases a right of appeal to the judges of the superior courts sitting at Nisi Prius.

Judges and Officers.

The Judges of this court are the president, (who, as already stated, is the lord mayor of the preceding year,) or his deputy, appointed in the manner we have before described, and one or more assistants from the sheriffs' peers.

The Officers are the register and bailiffs.

Times of Sitting.

The Time of holding the court is from 10 o'clock in the morning, every day, until the business of that day is disposed of, which generally occupies from two to three hours.

Jurisdiction.

The court appears to take cognizance of all cases of debts contracted within the county of the city of Dublin, including demands for seamen's wages. It also exercises jurisdiction on claims arising from the detention by tradesmen, &c., of articles delivered to them to be manufactured; and from the sale of bad or unmerchantable articles.

Corporate Claims.

In several instances demands of their fees, or perquisites of office, by the officers appointed by the corporation or the guilds, have been entertained in and enforced by the adjudication of this court.

Thus we find that the claim of certain officers, who were, until very recently, appointed by the guild of merchants, called coal-meters, to a charge of 6*d*. per ton all coals imported into Dublin, was enforced in this way. A prohibition was, indeed, in one case, awarded by the Court of King's Bench to proceedings in the Court of Conscience for this duty, but the decision was founded, not on any objection to the suit, as being before a corporate officer, for a Corporate Claim, but on the ground that the course adopted to bring the pecuniary amount of the demand within the jurisdiction of the court, as hereinafter noticed, was a splitting of the alleged cause of action.

The demand of transferable free tickets of admissions by the city sheriffs to places of public exhibition appears also in one instance to have formed the subject of a suit in this court, by the parties to whom such tickets had been given, for sums paid by them for admission, on the refusal of the proprietor to admit them on the tickets. Decrees were given against him for those sums with costs, and the amount levied by arrest.

The rents of apartments in the City Marshalsea are sued for in this court by the keeper of that prison; this subject will be more fully noticed in our account of the Marshalsea.

The fees of the bailiffs of the court itself, for the execution of its process, form also one of the subjects for which suits are entertained in it.

Appeal.

It is in reference to corporate demands that the right of Appeal, above noticed, has been given by the statute 1, 2 Will. IV. c. 31, s. 23.

This enactment gives this right of appeal to the party aggrieved by the decree or order of the Court of Conscience "in any suit for any demand, fee, wages, or sum of money claimed by reason of any office, station, place, or employment, in the gift or nomination of the corporation of the city of Dublin, or any guild thereof, or of any officer elected or appointed by the said corporation, or any guild thereof."

This section provides, "That nothing in the Act contained shall give or be construed to give to such Court of Conscience any jurisdiction whatsoever in any case which such court did not possess before the passing of this Act."

Practice.

The office of president of this court is a principal source of emolument to which the lord mayor looks to reimburse him the expenses of his mayoralty. A still stronger inducement to

the increase of business in the court is created in the acting judge, by the system in some years adopted of farming the office for very considerable sums. The inferior officers of the court, the register and bailiffs, derive their respective emoluments, the former chiefly, the latter altogether, from fees. Thus the multiplication of suits, and consequently of fees, is an object of interest to every branch of the establishment, and the existence of this motive can alone, we think, account for many parts of the Practice of the court which are noticed in the following detail.

Increase of Fees.

The Fees appear to be, in some respects, in the discretion of the court. They have been considerably increased, in one case trebled, within the last 20 years, and new fees introduced not before exacted. Since the change of currency in 1826, the fees have been demanded in the imperial currency, thus adding $8\frac{1}{3}$ per cent. to their actual amount.

Summons.

The course of proceeding in this court is by Summons. There are not any written complaints or pleadings, and the cases are heard and decided summarily by the president or his assistants, without, in any case, the intervention of a jury.

There are three descriptions of summons, commonly distinguished by the names of black, blue, and red.

Service of.

The black summons is the ordinary process of the court; the fee paid for it was formerly $6\frac{1}{2}d.$, it is now $10d.$ By this summons the defendant is required to appear on the day next but one after the date of it,—an interval which, in many cases, must be unreasonably brief; yet for an increased fee of $1s.$ $1d.$ the complainant may obtain a still more expeditious hearing by issuing the blue summons, which is called the immediate summons, and requires the appearance of the defendant on the following day.

Abuses in.

This precipitate course of procedure naturally leads to great Abuse. The summons may be served by the plaintiff or any one employed by him, or by the bailiffs of the court; there does not seem to be any rule as to the time of service, and it happens that the summons is sometimes served on the very day of hearing, and the party coming at once to the court finds the case already decided against him in default of his appearance. Under some presidents the payment of a fee of $2d.$ for expedition has enabled a plaintiff to obtain a precedence for the hearing of his cause. The defendant, thus deprived of the opportunity of defence, has no remedy but to take out a summons for a rehearing, as presently described.

Hearing.

On the case being called on, the plaintiff pays a fee of $5d.$ for the entry of the summons. If the defendant does not appear, the plaintiff is sworn to the service of the summons and the amount of the debt, and obtains an order for payment of it, the fee on which is $1d.$ If both parties appear they make their respective statements without oath; but if either requires his adversary or his witnesses to be sworn, he must pay a fee of $5d.$ for each oath administered. If the decision is in favour of the plaintiff he obtains an order as before; the order includes the fees for the summons and entry, and the fees paid by the plaintiff for the witnesses sworn at his request.

Warrant.

Should the defendant decline payment, the plaintiff is entitled to a Warrant against him for the debt and costs, but the amount in the whole cannot exceed $40s.$ of the late currency, including the fee paid by the plaintiff on the warrant, which is now $3s.$ $3d.$, having formerly been only $1s.$ $1d.$ This warrant is against the person of the defendant, and is executed by the bailiffs. If arrested, the defendant is committed to the City Marshalsea.

Fees.

The bailiffs have a poundage on the execution of the warrant, namely,

		s.		s.	d.
For any sum not exceeding	-	10	-	1	0
Above $10s.$ and not exceeding	-	20	-	2	0
„ $20s.$ „	-	30	-	3	0
Exceeding $30s.$ - - -	-	-	-	4	0

These Fees, as already noticed, are sued for by them in the court, if not paid by the plaintiff.

If a warrant remain unexecuted at the expiration of the year of office of the president, the plaintiff must take out a new warrant from his successor, paying a fresh fee of $3s.$ $3d.$

Imprisonment.

Imprisonment under the warrants of this court has been restrained by the provisions of the statutes 33 Geo. II. c. 16, and 34 Geo. III. c. 18.

By this latter statute (s. 1) it is enacted that no person committed to the Marshalsea, or other prison, by order of the Court of Conscience, when the debt does not exceed $20s.$, shall be kept in custody, on any pretence, more than 20 days from the time of committal; and where the debt does not exceed $40s.$, more than 40 days from the time of committal; and the marshal, gaolers, &c., are required to discharge them accordingly. The periods of imprisonment had been by the 33 Geo. II. c. 16, s. 17, limited to three and six months, in the same cases. The second section of the 34 Geo. III. c. 18, directs that such persons shall be set at liberty without paying any money, fees, &c., by way of gaol-fees, fees for discharge, or on any pretence whatsoever; and prescribes a penalty of £5 on the marshal, gaoler, &c., taking any fee on such discharge, or detaining such prisoner after the expiration of the aforesaid term.

The keeper of the Marshalsea considers this prohibition as not extending to his charges for rent of the apartments in the prison.

Should the defendant, on being arrested and committed to the Marshalsea, pay the debt to the keeper of that prison, the plaintiff must pay a fee of $6d.$ for an order to draw the money from that officer, and the defendant must obtain an order for his discharge, for which a like fee of $6d.$ is demanded. This order, it is stated, cannot be obtained before three o'clock in the

JURISDICTION.

day,—an arbitrary and oppressive arrangement, for which we are unable to assign a reason. In consequence, a party arrested after that hour cannot, even by paying the amount in the warrant, obtain his discharge before three o'clock on the following day.

Such is the course of proceeding in cases where the order in favour of the plaintiff is submitted to by the defendant.

Rehearings.

But, in case the defendant wishes to contest the justice of the order, he may do so by a Rehearing of the cause. The practice of the court, as to this power or privilege of rehearing, is very peculiar and extraordinary, and is, we apprehend, too much the result of that pecuniary interest in the increase of business in the court, which all its arrangements give to the judges and officers.

In every case where the defendant seeks a rehearing, even where the cause has been decided in his absence, on a summons served, perhaps, only a few hours before, he must lodge with the register of the court, or with the bailiffs or keeper of the Marshalsea, to be by them handed to the register, the amount of the sum decreed, and costs, with a further sum for poundage, according to the amount of the debt, at the rate of £5 per cent. This poundage is retained by the register, whatever be the event of the rehearing. He must then take out a red, or rehearing summons, for which he pays a fee of 1*s.* 8*d.* This is served and proceeded on as an original summons, with the same fees for swearing witnesses, &c.; but if, on the rehearing, the defendant succeeds in reversing the original order, he cannot on that process recover the costs he has been thus put to. For these costs, if he wishes to recover them from the original plaintiff, he must issue a new black summons, and proceed on it as in an entirely new case, in which the former plaintiff becomes a defendant, and who may, in his turn, try this demand for costs over again, by a similar rehearing summons, if the order be against him. Even the original cause of action is not decided conclusively by the reversal on a rehearing; the plaintiff may issue a fresh black or blue summons, and commence the litigation again for his demand, and the same process of hearing and rehearing may be thus repeated without any definite limit in the rules of the court. A case was stated to us in which the plaintiff had drawn the money lodged for a rehearing out of court, or obtained it from the bailiff before the rehearing. The decree was reversed; the defendant was then obliged to commence, by a fresh summons, to get back the money lodged; he obtained an order for the amount, and the original plaintiff then issued a summons for a rehearing of this second suit. He was, however, defeated; but there were thus four suits instituted, and fees paid in all, to try the same question, and the original plaintiff, if he pleased, might have resumed the litigation, by new process, as if no trial at all had taken place.

Dismiss.

If the case is decided in favour of the defendant on the original hearing, he may take out an order for a Dismiss, for which a fee of 5*d.* is charged, but he cannot, on the order, recover this fee, or any fees he may have paid for swearing witnesses. For these costs, if he seeks to obtain them from the plaintiff, he must take out and serve an original summons, with the usual fees, &c. &c.

The whole course of these proceedings appears to us to have no useful object whatever in reference to the suitors of the court, and to tend to no purpose but the encouragement of petty and vexatious litigation, and the consequent increase of emolument to the judges and officers.

Splitting Causes of Action.

The Splitting a Cause of Action, so as to divide it into numerous separate demands, each within the pecuniary jurisdiction of the court, appears to be in some cases resorted to by suitors, and not discouraged by the court, to which this practice brings additional business and fees.

Coal-meter's Case, &c.

Thus, in the Case of the Coal-meter's claim, already noticed, the metage on board the same vessel and of the same cargo was made the subject of a distinct claim and summons at each stage of the delivery at which it amounted to about 30*s.*, the coal-meter at these periods making a demand of the sum, in order to bring his claim within the jurisdiction of the court.

In a very recent instance of this abuse the demand arose out of the sale of a parcel of leather, for a sum exceeding £30, to a shoemaker, who had it made up in the articles of his trade, and sold to several persons, some of whom afterwards returned them, as made of unsound materials. On each occasion of this nature the shoemaker proceeded by summons in the Court of Conscience against the seller of the leather, as upon a distinct transaction, for a sum within the jurisdiction. Three of these summonses were stated to have been tried in the same week. The defendant in all of them objected to the jurisdiction, but his objection was overruled, and the amount decreed against him.

Suits against the Bailiffs.

The defalcations and misconduct of the Bailiffs of the court in reference to money deposited with them for rehearings, or paid by defendants, appear to be a frequent cause of complaint. No superior or more responsible officer is liable for their default, and the only mode of redress left to the party whose money may be thus appropriated or withheld is to summon the bailiff or his sureties for the amount,—a proceeding not always attended with success, from the insufficiency of the sureties.

No Court Books.

There are no public Books or records of the Court; those kept by the register are considered the private property of the president for the year, who sometimes takes them away,—a practice tending to much inconvenience, and obviously calculated to facilitate fraudulent demands of moneys previously recovered, and prevent any effective check on the institution of fresh suits for the same cause of action.

JURISDICTION.

The average number of summonses issued in the year is from 22,000 to 24,000; the Number of Causes heard is about two-thirds of the summonses issued, and the number of warrants about 2,500. Number of Causes.

The proportion of the Fees payable to the Register are, Register's Fees.

	d.
On each warrant	9½
On each order	6
On all affidavits filed in the court	6
On each search	2
Notice for attendance on adjournment	3
For issuing a summons after three o'clock	3
On an immediate summons	3

And the entire poundage on lodgments of money.

It is a subject of complaint that persons not in the profession are permitted to practise as Attorneys in this court, and take fees from the suitors. This matter does not, however, appear at any time to have been brought under the notice of the court, with a view to its correction. A person connected with the lord mayor's office was mentioned as practising for four or five years in this manner. Attorneys.

We attribute much of the abuses which prevail in the practice of this court to the system which gives so immediate an interest to its judges and officers in the fees payable by the suitors. The practice of rehearings deserves particular attention in any considerations for the improvement of this jurisdiction, and it is in our opinion very objectionable, in so extensive and populous a district, that the hearing of causes should be proceeded with on so brief a summons as is sanctioned by this court. A very moderate scale of fees would provide an ample fund for the well-regulated expenses of the court; and it is, we conceive, of the first consequence to the due administration of justice in this tribunal that the president should be a permanent officer, and that he and the several officers of the Court should be remunerated for their services by fixed salaries. Observations.

---

114. The following Gaols are locally situate within the county of the city of Dublin, or connected with its criminal and civil jurisdiction. Gaols.

Newgate.
Four Courts Marshalsea.
Sheriffs' Prison.
City Marshalsea.
Smithfield Penitentiary.
Richmond Bridewell.

The Four Courts Marshalsea, which is a prison for debtors only, is exclusively under the control and superintendence of Government, independent of the city authorities and grand jury. We do not, therefore, propose to make further mention of it in this Report.

A local inspector of the other prisons (except the City Marshalsea) has been appointed by the city grand jury under the 7 Geo. IV. c. 74, s. 65. This officer occasionally also visits the City Marshalsea, but does not exercise any authority over it. General Superintendence of.

The salary of this officer is £400 per annum, paid by presentment of the city grand jury.

The provisions of the 7 Geo. IV. c. 74, for appointing a Board of Superintendence by the grand jury, do not extend to the city of Dublin, and the duties of such a board are here left in the hands of the general body of the grand jury.

The divisional justices of the police district of the metropolis are, by the Police Act, 48 Geo. III. c. 140, s. 93, bound to visit and inspect, not less than six times in each year, all gaols, houses of correction, marshalseas, and other places within the district for the custody of persons confined for debt, or charged with or guilty of any treason, felony, &c. and as often as it shall to them appear necessary or expedient to report the state and condition of such gaols, &c., with their observations and remarks thereon, to the chief secretary to the Lord Lieutenant, or in his absence to the under secretary for the civil department, and to the judges of the Court of King's Bench.

Special powers are given by sections 91 and 92 to the divisional justices over the houses of correction; these powers will be presently further noticed.

115. The gaol of Newgate was made a gaol for the county and county of the city of Dublin for the purposes of the execution of commissions of oyer and terminer, &c. under the Irish statute 3 Geo. II. c. 15. To this prison all offenders within the county of the city of Dublin, and that part of the county at large which is within the Circular Road, are committed for trial. It is also the place of confinement of persons sentenced for short periods of imprisonment by the Court of King's Bench, the Commission and Quarter Sessions Courts, and for transport convicts. Newgate.

It is also a prison for debtors. The class of debtors committed to it appear to be persons arrested by the coroners; they are very few in number.

We have already stated the mode of appointment and emoluments of the governor of the prison. The other Officers exclusively attached to it and their respective salaries are, Officers.

	£.	s.	d.
Deputy governor, per annum - - -	200	0	0
Clerk - - - - - - -	78	0	0
Five turnkeys, each - - - -	52	0	0
Hospital superintendent - - -	54	12	0
Two matrons - - - - -	50	0	0
Serjeant of the guard - - - -	61	2	0
Five privates of ditto, each - - -	36	5	0
Seven ditto, ditto - - - - -	28	12	0
Schoolmaster - - - - -			

The guards receive two suits of clothing per annum.

The governor receives six prisoners' allowances of provisions: the deputy governor, four: matrons and clerk, two: the turnkeys and guard, and hospital superintendent, one each.

The other officers who attend the prison are, a chaplain of the Established Church, a Roman Catholic chaplain, and a Presbyterian chaplain, a physician, surgeon, and apothecary, all appointed by the grand jury under the provisions of the 7 Geo. IV. c. 74.

The deputy governor and clerk are appointed by the governor: the turnkeys, matrons, guards, &c. are appointed by the grand jury.

Until within a few years past the duties of a guard were performed by a detachment of the military. On their being withdrawn the present establishment was substituted.

The Protestant chaplain is also chaplain to the Sheriffs' Prison and Smithfield Penitentiary. He is one of the curates of the parish of St. Michan's, in which Newgate and the Sheriffs' Prison are situate. His salary for attendance on all these prisons is £65 per annum.

The Roman Catholic chaplain of Newgate is also chaplain to the Sheriffs' Prison. His salary is £45 per annum.

The Presbyterian chaplain holds the same office in the Sheriffs' Prison, Richmond Bridewell, and Smithfield Penitentiary. His salary is £100 per annum. The same individual is also Presbyterian chaplain of the Four Courts Marshalsea.

The physician and surgeon also attend the Sheriffs' Prison, City Marshalsea, Richmond Bridewell, and Smithfield Penitentary.

The salary of the physician for these services is - -	£400	0	0
Of the surgeon - - - - - - - -	400	0	0

The apothecary of Newgate is also apothecary to the Sheriffs' Prison.

The salaries of all the officers and the general expenses of the prison of Newgate, and maintenance of the prisoners, are defrayed by grand jury presentment from the county of the city of Dublin; there are not now any charges made to debtors for rent of the apartments.

Many and serious deviations from the system of prison discipline prescribed by the statute, 7 Geo. IV. c. 74, occur in this prison, both in the classification of prisoners and other arrangements; they are chiefly attributable to the defective accommodation afforded in the prison for the numbers committed to it.

The average number of weekly committals is about 50, and the number of prisoners has varied from 200 to 300, of whom about one-third are females. The prison is stated to be capable of accommodating about 200 prisoners, but we were informed by the local inspector that he has known 400 confined in it, and the present governor said there were so many prisoners when he was appointed (about five years since.) He attributes the diminution in the numbers partly to a diminution of crime, and partly to the more frequent infliction of the punishment of transportation.

The 21st rule prescribed for the government of prisons by the 7 Geo. IV, c. 74. s. 109, and to be observed in every prison so far as shall be practicable therein, is, that "Every prisoner shall be provided with suitable bedding, and every male prisoner with a separate bed, hammock, or cot, either in a separate cell, or in a cell with not less than two other male prisoners."

The arrangements of Newgate appear not to admit of the observance of this rule; it is stated by the governor that he has very often six prisoners, and sometimes eight, in each cell, two in a bed.

This defect of accommodation also prevents that classification of the prisoners which the statute provides for, and is further productive of inconvenience in the non-residence of some of the officers of the prison.

The governor, on this account, does not reside in the prison; his residence is, however, in an adjoining house. The head matron is non-resident, she attends the prison only during the day; she resides at about half a mile's distance from the prison, and does not come to it earlier than ten or eleven o'clock. Two only of the turnkeys are resident.

Difficulties in the observance of the material points of prison discipline, as the prohibition of the introduction of spirits, &c. appear to exist.

The schoolmaster seems to be a very objectionable person for such a situation. It is admitted that he has been twice committed to the prison by the magistrates for assaults within a short period.

Some evidence was given before us of suspected interference by this individual, and other persons admitted to the prison, with the religious tenets of the prisoners, but we had not any statement of that nature from the Roman Catholic chaplain, or from any individual upon whom the exercise of such influence had been attempted. The governor's account of the schoolmaster was, that he made the prisoners who chose to be instructed read, write, and learn arithmetic, and read religious books; that he had never heard him use controversial

arguments, but that he was what is vulgarly called "a Biblical." He also stated that there was a committee of Protestant ladies who attended the females, to converse with them on religious subjects, and that one or two of them attended two or three times a-week; that he never heard of any complaint made by any of the Roman Catholic prisoners, male or female, of an interference with their religious belief; that the Roman Catholic chaplain attended the prison, probably, every second day, and that the Sisters of Charity attended there also.

The official authorities by whom the prison is at different periods inspected, are the term grand jury, who visit it at May and November; occasionally the quarter sessions grand jury; the sheriffs; the police magistrates, sometimes, but not often; the local inspector three times a-week, on an average; and the inspectors general of prisons twice a-year.

The provisions of the 7 Geo. IV. c. 74, s. 104, &c. for giving work to poor prisoners, are wholly unattended to in this prison, a further consequence of the want of proper and sufficient accommodation for its inmates.

Sheriffs' Prison.

116. The Sheriffs' Prison is a place of confinement for debtors arrested under civil process, by the sheriffs of the county of the city.

The mode of appointment, and the emoluments of the keeper of this prison, have been already noticed.

The other officers exclusively attached to it are appointed by the keeper: their descriptions and respective salaries are,

	£	s.	d.
Head Turnkey, per annum	78	0	0
Two Turnkeys, each	52	0	0
Watchmen and Assistants	52	0	0
Scourer	26	0	0
Nursetender	30	0	0

By the 7 Geo. IV. c. 74, s. 128, this prison and the keeper of it have been placed under the control of the Court of King's Bench, and made subject to such rules and orders as shall be made by the court for the government of the prison, and the regulation of the rate of rents for the lodging and accommodation of prisoners, and of the fees to be taken by the keeper.

This prison is, by the 139th section of the Act, excepted from the clauses of it which abolish gaol-fees.

The expenses of this prison are provided for under the 129th section of the 7 Geo. IV. c. 76, which enacts, that if the amount of rents and fees to be established for the Sheriffs' Prison shall at any time appear to the grand jury of the county of the city of Dublin to fall short of the amount necessary to provide a sufficient salary to the keeper of the prison, together with sufficient sums for the payment of the hatchmen, and other officers and servants necessary for the safe custody of the prisoners, or the discipline of the prison; the grand jury at any presenting time may make presentment of the sum necessary to supply the deficiency. The grand jury is also empowered to present such sums as they shall think requisite for the repairs, or other necessary expenses of maintaining the prison. "Provided always that the salary of the keeper of the said Sheriffs' Prison, including all rents and fees allowed to be received by him, shall not in any one year exceed the sum of £500 over and above the salaries paid by the keeper of the said prison to the hatchmen, and other officers and servants in the prison, to such amount as shall be approved of by the court at each presenting term."

The rates of rent and fees to be taken in this prison were fixed by the Court of King's Bench, under the authority of this Act, in the year 1826. They annually produce from £350 to £370; the residue of the sum necessary to defray the expenses is provided by the grand jury under the powers above recited.

The rates of lodging vary from 1*s.* 7½*d.* to 16*s.* 3*d.* per week, according to the accommodation, except for the common halls, in which the charge for each prisoner is 7*d.* per week. The number of apartments in use in the prison is 32.

The fees established by the court are,

	s.	d.
To the keeper from each person confined under execution, for each execution	13	4
To the turnkey on discharge	1	7½
To the keeper from each person confined under mesne process	6	8
To the same from each person confined under a civil bill decree	3	4

This scale of rents and fees is in the late Irish currency.

The number of prisoners confined in this prison is very fluctuating; it is calculated to accommodate about 60, which was the number at the immediate period of our Inquiry. The keeper stated that 85 prisoners was the greatest number he had in it at one time, and that about two months before the Inquiry the number was only 35. He added that about half of all the prisoners are discharged under the Insolvent Act.

The keeper accounts on oath to the grand jury for all the fees and rents received. We cannot reconcile his statement as to the rents received for furnished apartments, with what we apprehend to be his duty in accounting for them. The table of rents contains the following charges as to furnished rooms,

	s.	d.
If let to one person, to pay per week	16	3
If let to two, each person to pay per week	11	4½

JURISDICTION.

The keeper's statement to us is, that furnished rooms are charged 11*s.* 6*d.* per week to the prisoners, and should three persons occupy one room they pay each 11*s.* 6*d.*, (being in all £1 14*s.* 6*d.*) and that in the return to the grand jury the charge would be only stated at 12*s.*

The keeper does not reside in the prison; his residence is distant from it about half-a-mile.

The general regulations approved of by the judges of the Court of King's Bench provide as follows for the payment of the prison rents:—

Rule 2. Each person shall be appointed to a room according to seniority in confinement, upon depositing in advance three weeks' rent with the keeper which is to be accounted for by the day, to such prisoner at the time of his discharge, should that happen before the three weeks are expired.

Rule 3. When a prisoner shall be indebted for more than three weeks' rent of his room, the keeper may remove such person to a common hall.

The power given by the latter rule appears to have been very sparingly exercised. The keeper states that it is very difficult to collect the rents; it is endeavoured to collect them weekly.

This prison is visited by the local inspector three or four times a-week. It is also visited by the inspectors general.

The city grand jury appear to exercise a degree of authority and superintendence over this prison. By a late regulation (7th May 1832,) the grand jury ordered that no visitor be permitted to enter the prison after 5 o'clock, and that the prison be entirely cleared of strangers at 7 o'clock in the evening; that the laws and regulations relative to spiritous liquors be strictly enforced, and that no person be admitted without strict examination; and that the sheriffs and the keeper of the prison be required to cause such prisoners, as were legally entitled thereto, to be removed by *habeas corpus* to the Four Courts Marshalsea.

City Marshalsea.

117. The City Marshalsea is exclusively a debtors' prison.

The prisoners committed to it are principally persons arrested under warrants of the Court of Conscience, and process of the Lord Mayor and Sheriffs' Court: also under country warrants from assistant barristers, backed by the city sheriffs.

The only officers of this prison are the keeper, whose mode of appointment and emoluments we have stated, and two assistants, or hatchmen, paid by him. There is also a nursetender who is paid a salary of £10 a-year by the corporation.

The corporation provide some occasional repairs to this prison. About five years since, shortly after the appointment of the present keeper, they appear to have expended £131 6*s.* on its repair; this sum, and the nursetender's salary, are charged in the city accounts to the slippage and anchorage. Trifling sums for whitewashing, &c. have been since provided by the lord mayor, but we do not find any separate mention of such expenditure in the accounts.

The accommodation for prisoners in this prison consists of 10 apartments, and the common hall for male prisoners, and two apartments for females; there is also a part of the prison called the Hotel, which is furnished by the keeper, and occupied by prisoners. The average number of prisoners confined in the City Marshalsea is from 30 to 40; there were 40 in it at the time of our Inquiry; and the keeper informed us that he had, at one time, 80 prisoners. The number of committals in the year is from 800 to 900.

The rate of rent charged here to each prisoner for one of the ordinary rooms, is 4*s.* per week, but the great majority of the prisoners appear to be persons who cannot afford to pay this rent, and who, in consequence, remain in the common hall, for which the keeper states that no charge is made, unless in cases of persons obtaining their discharge by settling with their creditors, when they are charged 2*s.* 6*d.* fees, and at the rate of 1*d.* a-night for the common hall. This common hall is described as a room about 35 feet in length, and 18 broad, and about eight feet six inches in height. The persons confined in it sleep on a guard bed; and on the first day of his attending our Inquiry, the keeper stated there were 34 or 35 inmates of it, one of whom was a female. On a subsequent day the number was stated to be 20. The charity of the lord mayor and city treasurer, and other individuals, provides coals for a fire in this apartment in winter. The inmates of it, as may be concluded, are very poor; they sometimes get out of prison by pawning their clothes. Their wretched condition is at times relieved by the charitable interference of benevolent individuals who procure their release, and in some cases they are indebted to trifling sums provided by casual charity for their necessary support.

There is no provision made by law for the maintenance of the poor prisoners.

They are chiefly prisoners under Court of Conscience warrants, for sums varying from a few shillings to £1 16*s.* 10*d.*, the limit of the jurisdiction of that court, and each of these warrants includes from five to six shillings of costs.

To those who are able and willing to afford payment, the charge in the separate apartments is, as we have stated, 4*s.* a-week, and this charge is the same to each of any number who may occupy a room. If the prisoner is detained less than a week, the charge is 1*s.* a-night. The charge for accommodation in the hotel is 10*s.* a-week to each person; it contains only two beds.

The keeper of the Marshalsea, as we have stated, considers that the provisions of the statutes we have noticed, requiring persons committed under warrants from the Court of Conscience to be discharged after a certain number of days, without fees, do not prevent him from claiming from such persons the rents agreed to be paid by them for the apartments in

JURISDICTION.

this prison. He accordingly, except from prisoners who have remained in the common hall, requires payment from such persons of the stipulated rent before discharging them, and insists on and exercises the right of detaining them in the prison until payment, or until the party gives an I. O. U. for the amount. This security is given in form to the hatchman, and it is the practice to sue on these documents in the Court of Conscience. The keeper considers it discretionary with him either to detain or discharge the prisoner for rent, even after he has given the I. O. U. In one instance a party was recommitted to the Marshalsea under a warrant of the Court of Conscience for a demand of this nature amounting to 15*s.* and detained 20 days upon this second committal.

There is no local inspector to this prison. The local inspector of the other prisons occasionally visits it; the sheriffs sometimes, and the inspectors general of prisons twice a-year.

The wretched condition of this prison, and of its inmates, has been repeatedly pointed out by the inspectors general of prisons in their annual reports.

Smithfield Penitentiary.

118. The Smithfield Penitentiary is a house of correction for the reception of convicted offenders of both sexes. The male convicts are juvenile offenders varying from nine to 19 years of age. None are sent here above 19. The male and female prisoners are generally offenders convicted before the recorder, and sentenced to different short periods of imprisonment, and before the divisional justices, under their summary jurisdiction.

By a late regulation the female prisoners sentenced by the recorder to short periods of imprisonment, are sent to this penitentiary instead of being confined, as formerly, in Newgate; and the female prisoners sentenced to imprisonment for longer periods than two months, who were formerly sent to Smithfield Penitentiary, are now sent to the Richmond Bridewell.

The officers exclusively attached to this prison, and their respective salaries, are,

	£	*s.*	*d.*
Governor, per annum - - -	200	0	0
Matron - - - - -	50	0	0
Deputy ditto - - - -	20	0	0
Clerk - - - - - -	30	0	0
Head Turnkey - - - -	32	0	0
Four Turnkeys, each - - -	28	0	0
Three Female Servants, each -	12	12	0
A Messenger - - - -	12	0	0

All receive one prisoner's dietary per day.

The matron is the wife of the governor.

The officers are appointed by the divisional justices of the head office of police, under the authority, we presume, of the Police Act, 48 Geo. III. c. 140, s. 91, which, however, only mentions the office of gaoler, or keeper. They exercise, also, under the powers given them by the 92d section, a jurisdiction and control in suspending, fining, or removing, any officer for breach of duty.

The salaries of the officers, and necessaries for the prison, are provided by presentment of the grand jury, and disbursed through the receiver of the police establishment, under the 90th section of the Police Act. The same section provided for the repairs of the houses of correction in Dublin by like presentment; but by the seventh section of 7 Geo. IV. c. 74, it is enacted, that the expense of building, purchasing, procuring, altering, enlarging, and repairing all penitentiary houses in Ireland, shall be discharged, and all rent payable in respect thereof, or of the ground, or appurtenances thereof, shall be paid out of the consolidated fund.

The governor, and inferior officers, reside in the prison.

The average number of boys imprisoned in this prison is stated to be about 80, and of females about 70. The prison would contain 170 without inconvenience; there has occasionally been a greater number. The number at the time of our Inquiry were 58 males and 54 females. It is a very healthy prison.

The Smithfield Penitentiary is regularly visited and inspected by the divisional magistrates of police, and occasionally by the sheriffs and the lord mayor. The local inspector of prisons visits it several times a-week; the inspectors general annually.

The classification of the prisoners is strictly attended to. All the prisoners are employed as far as can be done. The male prisoners are employed and instructed in weaving; some of the females are engaged in needle-work; all are employed in washing for the gaol of Newgate, and the Sheriffs' Prison. The prison seems in every respect to be extremely well managed.

It is attended by Protestant, Roman Catholic, and Presbyterian chaplains, appointed by the grand jury.

Richmond Bridewell.

119. The Richmond Bridewell is also a house of correction, more extensive than the Smithfield Penitentiary, but under the same arrangements as to the appointment and payment of the officers, the providing necessaries for the prison, and repairs.

It is a modern building, and has been erected at the expense, and under the directions, of government under the 9th section of 7 Geo. IV. c. 74.

The prisoners confined in it are male and female convicts, under sentences of imprisonment, generally in case of males, for periods of six months and upwards.

The following is a list of the officers exclusively attached to this prison, and their respective salaries:

JURISDICTION.

	£	s.	d.
Governor, per annum	400	0	0
Deputy Governor, ditto	200	0	0
Head Matron, ditto	100	0	0
Three Assistant Matrons, ditto, each	31	10	0
Female Hospital Matron, ditto	36	18	5
Clerk, ditto	52	0	0
Seven Turnkeys, ditto, each	52	0	0
Two Taskmasters, ditto, each	52	0	0
Cook, ditto	52	0	0
Gate Porter, ditto	52	0	0
Male Hospital Superintendent, ditto	36	18	3
Gardener, ditto	33	12	0
Schoolmaster, ditto	30	0	0
Carter, ditto	21	12	0
Messenger, ditto	12	0	0
Two Watchmen, ditto, each	36	8	0

All the officers receive one prisoner's dietary each day.

Protestant, Roman Catholic, and Presbyterian chaplains, a physician, a surgeon, and an apothecary, also attend the prisoners.

The male and female departments of the prison are perfectly distinct, and a complete system of classification of the prisoners exists. The average number of prisoners is 290; the prison accommodation is not calculated for a greater number, and it is considered by the governor defective in not having a separate cell for each individual. On the day the governor attended before us the number of prisoners was 162 males and 111 females.

The prisoners, both male and female, are all actively employed, except the sick; weaving is the principal employment; those sentenced to hard labour are put to the tread-mill. The prisoners on being discharged are paid one-third of the earnings of their labour. The governor stated that £1 was the general average of the sums paid on this account to prisoners who had been confined six months; but that he had paid a prisoner going out £5. He also stated that he thought about one in five of the prisoners confined there was committed a second time.

This prison is inspected by the police magistrates, the local inspector, and the inspectors general of prisons.

. Its condition and arrangements are highly creditable to the officers of its establishment.

Expenses of Prisons and Prisoners.

120. In addition to the direct Expenses of the Prisons, their officers and attendants, the grand juries present large sums to various functionaries in lieu of fees on Prisoners discharged. We annex a table of the several heads of expenditure for the year 1834, of the several prisons, and the prosecutions of prisoners, as presented for by the grand jury of the county of the city of Dublin. It is to be remarked, and the subject is one productive of much complaint, that the grand jury of the county of Dublin does not present any money for the city prisons, although a large proportion of the prisoners are for offences committed within that portion of the city which is locally situate, in fact, within the county at large.

Expenses of prisons and prosecution of prisoners, as presented for by the city of Dublin grand juries in Easter and Michaelmas terms 1833 :—

	£	s.	d.	Average Number of Prisoners estimated at
Provisions, &c.	5,523	18	9	200
Repairs	467	12	4	
Newgate.—Salaries	1,212	12	3	
Smithfield Penitentiary.—Salaries	494	6	8	170
Richmond Bridewell.—Salaries	1,662	19	2	290
Sheriffs' Prison.—Salaries	583	9	7	60
Medical Attendance.—Salaries	800	0	0	
Drugs, &c.	309	1	11	
Local Inspector	409	4	8	
Religious Attendance.—Salaries	300	0	0	
Fees on Prosecutions, &c.				
To Clerks of the Peace	1,520	11	10	
Clerk of the Crown	199	18	7	
Sheriffs	400	4	9	
Gaoler of Newgate	208	6	4	
Crier of Court of Quarter Sessions	155	5	6	
	£14,247	12	4	

V.—MUNICIPAL REGULATIONS.

121. The present system of Police in Dublin seems to be the result of a long course of legislative experiment on the subject. POLICE.

In the year 1715, an Act of Parliament was passed for the purpose of regulating parish watchmen (2 Geo. I. c. 10.) In 1778, a statute was passed (17, 18 Geo. III. c. 43) which enacted, that each of the parishes in the city and suburbs should, for the purposes of that Act, be a distinct ward, and that the lord mayor should appoint some one of the aldermen of the city to be alderman of the ward, and as such to have the special superintendence and care of the police of the said ward, with power to appoint one of the common council, and a resident in and inhabitant of said ward, to act therein as deputy to the said president: and further, that the inhabitants of each of the said wards should every year, at a vestry, choose a certain number of the inhabitants of the said ward, paying scot and lot, not less than six, or more than twelve, to be the representatives of the said ward in a wardmote court, which might be held for the year then next ensuing: and that said wardmote court should have power, from time to time, to make and establish such reasonable rules, orders, and regulations, with respect to the police of the said ward, and the preservation of the peace therein, as to them should seem fit; and to choose and appoint, from time to time, such a number of persons as they should judge requisite, to act as constables, or inferior peace officers therein; and also to choose such a number of persons as they should judge requisite to be watchmen, guards, or patrols, of the said respective wards, from sunset to sunrise, and to have the same properly armed and clothed, in a manner suitable to the occasion. Statutes relative to the Watch and Police, 2 Geo. I. c. 10. 17, 18 Geo. III. c. 43.

In 1786, the police system was materially altered by giving to the Lord Lieutenant power to nominate and appoint any three persons, magistrates of the city of Dublin, to be commissioners of police for the preservation of the peace within the district of the metropolis. The commissioners to appoint such number of men as should be necessary, furnished with proper arms and accoutrements, to act as ministerial officers of the peace within the said district, and the four divisions into which it was to be divided; not exceeding, however, in all, 40 petty constables, four chief constables of divisions, and one high constable for the district. The said commissioners were also to retain and employ not exceeding 400 watchmen, to be armed and accoutred; and also not exceeding 40 persons to be constables of the nightly watch. 26 Geo. III. c. 24.

This Act gave the commissioners the power of assessing upon every house and tenement within the district, rates not exceeding 1*s.* 6*d.* in the pound of the yearly rent as rated for the collection of ministers' money, or watch money, &c.

It appointed salaries, not exceeding £500 for the first commissioner, and £300 each to the others, and £200 to each of the resident justices; and that the secretary, clerks, assistants, and servants, high and petty constables, should be paid such sum, &c. not exceeding in the whole £2,200, and the clerks and assistants of the justices not exceeding £500.

We have noticed, in another part of this Report, the violent hostility with which the system of magistracy proposed by this Act was encountered, and the consequences of the opposition in the contests relating to the election of alderman James to the office of lord mayor. The system, however, was fully established, and is the foundation of that now in operation.

This statute was amended by the 28 Geo. III. c. 45, which gave power to employ 100 additional watchmen; but, in a few years after, in 1795, we find both these Acts repealed (save the repealing clauses) as far as they related to the police of Dublin, or parts adjacent, by the 35 Geo. III. c. 36. This statute enacted, that the district of the metropolis should be divided into two parts, viz. the north and south divisions, separated by the river; and that there should be a superintendent magistrate for the district, and a divisional justice for each division, to be elected from among the aldermen in the manner therein mentioned. 28 Geo. III. c. 45. 35 Geo. III. c. 36.

This Act was amended in the following year by the 36 Geo. III. c. 30. Both these Acts were not many years afterwards repealed by the present Police Act, 48 Geo. III. c. 140, which, however, refers to and adopts the mode of rating provided by the repealed statutes. 36 Geo. III. c. 30. 48 Geo. III. c. 140.

By this Act the Castle of Dublin, and all places within eight (Irish) miles thereof, not within the jurisdiction of the Court of Admiralty, were to be united in one District, and this was to be divided into six divisions. Police District of Dublin Metropolis.

The limits of these divisions were to be, from time to time, directed by the Lord Lieutenant, by warrant under his hand and seal.

Eighteen persons were to be appointed Divisional Justices; 12 of them, viz. six barristers, three aldermen, and three sheriffs' peers, to be appointed by the Lord Lieutenant, and three aldermen and three sheriffs' peers to be elected by the corporation in the manner therein mentioned, and already noticed in this Report; and the Lord Lieutenant was to appoint one of the divisional justices, being an alderman, to be the chief magistrate of the police of Dublin. Divisional Justices.

This Act contains numerous regulations and directions, to several of which we have already occasionally adverted. It is still in force, as altered and amended by the 5 Geo. IV. c. 102. 5 Geo. IV. c. 102.

MUNICIPAL REGULATIONS.

By this latter Act the Lord Lieutenant was empowered to divide the police district into four divisions instead of six, and to cause four police offices to be established; and upon such division being made, to select 12 of the divisional justices, consisting of four barristers, four aldermen, and four sheriffs' peers, or members of the common council; it directed that three of these, viz. one barrister, one alderman, and one sheriffs' peer, or member of the common council, should be attached to each of the said offices: provided that two of the said four aldermen, and two of the said four sheriffs' peers, or members of the said common council, should be such as were originally elected by the corporation of the city of Dublin.

Receiver of the Public Offices.

By the fourth section of the 48 Geo. III. c. 140, the Lord Lieutenant is enabled to appoint a Receiver, not being an alderman of the city, who shall be called "The Receiver of the Public Offices in the Police District of Dublin Metropolis." The receiver is declared incapable of being appointed, or elected, a divisional justice, and is to be removable by the Lord Lieutenant at pleasure.

He is also, by the 16th section, to give security by bond, with two sufficient sureties, in such sum as the divisional justices of the head office, or any of them, shall appoint.

The approbation of the Lord Lieutenant and Privy Council is required to the election of any of the divisional justices by the corporation. And the eighth section of this Act provides that they shall hold their offices during good behaviour, or until removed therefrom by the Lord Lieutenant, or other chief governor of Ireland.

Offices of Police.

Powers are given to the Lord Lieutenant, or chief governor, to fix and change the divisions in which the justices shall act, and to appoint any one of them, being an alderman, to be the chief magistrate of the police of Dublin, who shall, for the time being, be one of the divisional justices of the Castle Division, called "the Head Office of Police."

To this head office the divisional justices are to send weekly abstracts of their proceedings.

It is provided by the 13th section, that one or more of the divisional justices shall diligently attend at each of the offices, each in his proper division, every day from 10 o'clock in the morning until 8 o'clock in the evening, and at such other times and places as shall be found necessary; that two of them shall attend together at each of the offices from 11 o'clock in the forenoon until 3 o'clock in the afternoon; and that each barrister shall attend at his divisional office at all hours, though not his turn of duty, whenever any matter of weight or difficulty shall occur to require his presence; a written notice that his attendance is so required, signed by either of the other justices of the division, or the chief clerk to the office, being first left at his place of abode.

The divisional justices are declared incapable of being Members of the House of Commons, and the barristers are precluded from practising as such: and all barristers, and other persons, nominated or appointed under the Acts, (except the divisional justices, who shall be aldermen, sheriffs' peers, or common councilmen,) are prohibited from voting for the election of a Member of Parliament for the county or city of Dublin, or in any manner endeavouring to persuade any elector to vote, or dissuade any elector from voting, under a penalty of £100.

Under the 17th section of the 48 Geo. III. c. 140, the Lord Lieutenant, or other chief governor, is empowered by and with the advice of the Privy Council, out of the funds applicable to the expenses of the establishment, to direct such sums as he shall think proper to be paid to the divisional justices for their time and trouble, not exceeding the yearly sum of £500 to each, and £100 in addition to the chief magistrate of police, and such sums as he shall think proper, not exceeding £500 yearly to be retained by the receiver. The same section empowers the Lord Lieutenant, &c. to direct such yearly sums as he shall think proper to be paid to the chief magistrate for paying and providing all necessaries for the patrols thereinafter mentioned, and such further yearly sums as he shall think proper to be paid to the divisional justices for payment of clerks, peace-officers, patrols, and others therein employed: "Provided, however, that the whole charges attending the said offices, the said salaries being therein included, shall not exceed the annual sum of £29,000, over and above the necessary disbursements for hiring, repairing, or building the houses, or buildings, wherein the said public offices shall be held."

Clerks, Office Constables. Peace Officers.

The divisional justices are directed, in their respective offices, to retain and employ any number, not exceeding two Clerks, three Office Constables, and four Peace Officers, and at the head office the number of peace officers may be 28. The power of dismissing these clerks and officers, and appointing others in their places, is given to the divisional justices, or any two of them.

Patrolling Constables.

The divisional justices of the head office are directed also to retain and employ a sufficient number of fit and able men, not exceeding 100, to act as Patrolling Constables in all parts of the district by night and by day, as occasion shall require, and the chief magistrate to employ a sufficient number of fit and able men, not exceeding 100, to act as town patrolling constables under his command, in all parts of the district, by night and by day, as occasion may require, sec. 21.

No person appointed as constable shall be or act as a domestic, or menial servant, to any person whatsoever; and any of the divisional justices, receiver, or other officer, or clerk, who shall retain or employ any constable as a menial servant, shall forfeit £100, sec. 23.

The 24th section prohibits any brewers or distillers, dealers in wine by retail, to licensed public houses, and partners of such person or persons, having licences to sell malt liquors or spirituous liquors, or in any manner engaged as sellers thereof, and victuallers, and persons keeping public houses, from holding any office or situation whatever under the Act.

The rate of payment of the constables is fixed by the 25th section as follows:—

	£	s.	d.	
To the ordinary chief constable of each division,				
Any sum not exceeding - - - -	100	0	0	per annum.
To the other constables, except the patrols,				
Any sum not exceeding - - -	40	0	0	„
To the horse patrolling constables,				
Any sum not exceeding - -	1	8	0	per week.
To the other patrolling constables,				
Any sum not exceeding - -	0	14	0	„ „

Besides such extraordinary expenses as they may be necessarily put to in apprehending offenders, and executing the orders of the divisional justices, such expenses being verified by affidavit, and approved of by the chief magistrate of police, or two divisional justices of the division.

Pensions.

The 26th section of the 48 Geo. III. c. 140 provides, that if any of the divisional justices, receiver, clerk, acting constables, or other person, holding any office whatsoever under and by virtue of the Act, shall by age, sickness, or accident, become unable to perform the duties of such office, and shall, therefore, resign or be removed therefrom, the Lord Lieutenant, or other chief governor, if he shall think proper so to do, may direct that a Pension, chargeable on the funds applicable to the support of the establishment, clear of all taxes and deductions, shall be paid to every such person, not exceeding two-thirds of the salary, payable to such person by virtue of that Act, immediately previous to his so resigning or being removed, "provided that no person shall be entitled to receive any such pension or allowance, unless he shall have served 25 years, or shall have been disabled by any unavoidable or permanent disease, acquired in the discharge of his duty under this Act."

Nightly Watch.

By the 94th section of this statute it is provided, "in order that every part of the metropolis may be effectually guarded, and that a sufficient number of Watchmen may be provided for that purpose," that the divisional justices of the head office, or any two of them, shall retain and employ such number as they shall think proper, of fit and able men, not exceeding 700, or less than 500, during the months of October, November, December, January, February, and March, nor less than 400 during the other months, to be nightly watchmen; and shall also retain and employ such number of persons, not exceeding three, for each watchhouse, to be constables of the nightly watch in their respective parishes, or other divisions.

The 95th section provides, that no person selling malt liquors, or spirituous liquors, shall be capable of being appointed to or holding the office of watch constable.

The 98th section empowers the divisional justices of the head office, or any two of them, to make rules and orders for regulating the constables of the watch, and watchmen, and prescribing their duty and service, to be enforced by penalties, not exceeding 40*s.* and imprisonment, not exceeding one month, to be imposed and directed by the divisional justices of the head office, or one of them.

The 109th section empowers the Lord Lieutenant to appoint a person to attend and supply medicine to the watch constables and watchmen, the allowance to be paid to such person to be approved of by the Lord Lieutenant, or other chief governor or chief secretary, or in his absence, by the under secretary for the civil department.

The 112th section provides, that the lord mayor of Dublin shall have power to act at all times, to muster and review the watch.

The above are the principal provisions of the Police Act, which provide for and regulate the numbers and description of officers, and other persons, to be employed in this establishment.

Police Establishments.

The following Return has been made to us of the actual strength of the Police and Watch Establishments of the police district of Dublin metropolis, and the persons employed in the collection of the funds destined for its support, or whose salaries are charged on those funds, with the amount of salaries, &c. on the 8th May 1834:—

POLICE ESTABLISHMENT.	Yearly or Weekly Salary amount. £	s.	d.	Gross amount. £	s.	d.
Chief Magistrate - - - - -				753	16	11
Eleven Divisional Justices, each - - -	461	10	9	5,076	18	3
Recorder - - - - - -				1,476	18	5½
Receiver - - - - - - -				461	10	9
Surgeon - - - - - - -				100	0	0
Secretary - - - - - -				413	5	4½
Chief Clerk, Head Office - - - -				230	15	4½
Second Clerk, ditto - - - - -				120	0	0
Chief Constable - - - - -				138	9	2¾
Three Chief Clerks, Divisional Offices, each -	129	4	7½	387	13	10½
Three Second, ditto ditto - -	73	16	11	221	10	9
Three Chief Constables, ditto ditto -	92	6	2	276	18	5½
Peace Officer in Charge of Horse Patrol -				64	12	3½
Twelve Office Constables, each - - -	36	18	5½	443	1	6
Carried forward - - -				£10,165	11	2¾

MUNICIPAL REGULATIONS.

	Yearly or Weekly amount. £	s.	d.	Gross amount. £	s.	d.
Brought forward	-	-	-	10,165	11	2¾
Thirty-eight Peace Officers, each	36	18	5½	1,403	1	5
Twenty-nine Horse Patrol, each per week	0	11	8	879	13	4
Sixty-nine ditto, dismounted, doing duty in the Country part of the District, each per week	0	11	8	2,093	0	0
One Hundred Town Foot Patrol, each per week	0	11	8	3,033	6	8
One Horseshoer				52	0	0
One Armourer				40	0	0
Two Messengers, Head Office, each	36	18	5½	73	16	11
				£17,740	9	6¾
Watch Establishment.						
Surgeon	100	0	0			
Collection of Carriage Tax (per centage on collection.)						
Registrar of Carriages	150	0	0			
Assistant ditto	100	0	0			
Ditto ditto	73	16	11			
Two Summons Servers, each £49 4*s.*	98	8	0			
Supervisor of Watch Tax	150	0	0			
Assistant ditto	73	16	11			
Seven Collectors of ditto (per centage on collection.)						
Pay Clerk	92	6	2			
Clerk of Licences, &c.	73	16	11			
Twenty-six Watch Constables, each 12*s.* 11*d.* per week	873	3	4			
Five Hundred and Thirty-nine Watchmen, each 9*s.* 3*d.* per ditto	12,962	19	0			
				£14,748	7	3
Total charge for salaries on both establishments				£32,488	16	9¾

The other expenses of the establishment are also very considerable, and will be presently noticed.

Jurisdiction.

122. The divisional justices possess the general powers and Jurisdictions of justices of the peace in the district of the metropolis: and by the 5 Geo. IV. c. 102, s. 9, the justices of the head office are also constituted magistrates of the counties of Dublin, Wicklow, Kildare, and Meath; but are not compellable to act as such, at any place out of the public office of the Castle Division, or upon any information for offences less than treason or felony.

It is provided by the 29th section of the 48 Geo. III. c. 140, that in all cases where any fines, penalties, or forfeitures, or shares of fines, penalties, or forfeitures, were or should be limited and made payable to His Majesty, his heirs, and successors, or to any description of persons, other than the informer or informers who should sue for the same, or the party grieved, and which should be recoverable in a summary way before a justice or justices of the peace, the same should and might within the police district of Dublin metropolis be sued for and recovered at some one of the said divisional police offices, before any two of the divisional justices, and not before any justice or justices of the peace out of the said offices, and that all such fines, &c. there recovered, should be accounted for and paid by the justice, &c. levying and receiving the same, into the hands of the receiver of the public offices.

By the 7th section of the 5 Geo. IV. c. 102, any one divisional justice may exercise this power.

The only magistrate whom we find exercising in the corporation of the city of Dublin a summary jurisdiction, in the adjudication of fines under penal statutes, is the lord mayor. The mode in which this jurisdiction is exercised in the lord mayor's court we have already adverted to. We see no reason for the continuance of even this exception to the exclusive jurisdiction of the divisional justices of police.

The 30th section of the 48 Geo. III. c. 140, provides, that where any Act is directed or authorized by law to be done by any justices of the peace, residing in or near or next to the parish or place where any offence or other matter cognizable before them shall be committed or arise, if such offence or other matter shall be committed or arise within the police district of Dublin metropolis, such act may be done at the public office of the division in which the offence or other matter shall be committed or arise, by any one or more of the magistrates there attending by virtue of that Act, or by any other magistrate or magistrates.

We have not had evidence before us of the attendance of any magistrate, not being a divisional justice of police, at the public offices.

The 31st section of the 48 Geo. III. provides, that the warrant of any of the divisional justices, for the apprehension of any person charged on oath with any treason or felony committed within the police district of the metropolis, shall have full force and effect in any part of Ireland to which such person may have fled or removed, or where such person shall be found or be.

MUNICIPAL REGULATIONS.

The divisional justices may, by warrant under hand and seal, direct rewards, not exceeding £20, to be paid out of the funds of the establishment, to persons apprehending, prosecuting, or giving information tending to the apprehension of any person or persons who shall be convicted of any treason or felony committed in their division. (48 Geo. III. c. 140, s. 32.) A similar power is given by 5 Geo. IV. c. 102, s. 12, to any two of the divisional justices of the Castle Division, in cases of treason or felony committed in any part of the police district of the metropolis.

By the 48 Geo. III. c. 140, s. 33, it is provided, that all justices of the peace acting within the police district, the lord mayor of the city of Dublin only excepted, and their clerks, clerks of the peace, of arraigns, and other clerks of sessions holden within the district, all high constables, keepers of gaols and houses of correction, their turnkeys and assistants, and all other persons anyways concerned ministerially in the execution or administration of criminal justice within the district, as often as the said divisional justices, or any two of them, shall require any assistance or information from any of them, toward the execution of the Act, shall immediately, or as soon as may be, attend in person, and give such assistance and information as shall be so required: and the 41st section gives to the divisional justices, or any one of them, or any constable duly appointed by them, power to demand the assistance of all chief and other constables, watchmen, patrols, beadles, &c. appointed for any parish, liberty, precinct, or place within the district, for the apprehending offenders, or preventing offences against the peace.

Power of appointing and swearing in special constables, in cases of emergency, is conferred by the 14th section of the 5 Geo. IV. c. 102, on any three of the divisional justices, of whom one or more of the divisional justices of the Castle Division shall constitute part.

Various other powers connected with the municipal regulations of police are given by this statute to the divisional justices, which it is unnecessary here to specify in detail. They relate to the conduct of publicans, pawnbrokers, drivers of carriages for hire, &c.

Besides the ordinary duties of divisional police magistrates, a considerable number of duties are performed exclusively by the magistrates of the head office of Dublin police; they include a general superintendence and inspection of the daily returns from and a correspondence with the three divisional offices, as required by the 48 Geo. III; and also a correspondence with and making reports to the Irish government, compiling the Hue and Cry, the superintendence of the bridewells of the metropolis, the superintendence and management of the carriage department, and hearing and determining all complaints against carriage and car owners and drivers, the management and collection of the watch-tax, the income from which is a principal support of the establishment, and is collected from about 19,000 houses; the selection, direction, and control, clothing, accoutring, and paying of the peace officers, horse and foot patrol, watch constables, and watchmen, amounting together to about 800 men, and the providing and superintending the horses belonging to the establishment.

They have, further, the examination and approval of all accounts of the establishment, previously to the payment of the amount by the receiver.

They have also the hearing of all informations under the excise laws, cognizable before magistrates, arising within the police district of Dublin. This duty was formerly distributed among the several divisional offices, and petty sessions for the country parts of the district, but has, for the last two years, devolved exclusively upon the magistrates of the head office, under an arrangement recommended by the attorney general, as convenient to the excise department, and calculated to maintain uniformity and competency of decision, so as to diminish the frequency of appeals. For his attention to this particular duty, the barrister at the head office receives an addition to his salary of £100, from the lords of the treasury.

Observations.

The police force is admitted to be deficient. A very inadequate number of men is supplied for the day patrol—about three or four to each divisional office; in all, including those at the head office, it is stated by the chief magistrate, that 20 is the utmost number which can be spared during the day-time for patrolling the town, and preserving the peace. The number of 100 horse patrolling constables, contemplated by the 21st section of the 48 Geo. III. c. 140, is not kept up, from the expense which would attend such an establishment, 29 only out of that number being mounted. The remainder are dismounted, and act as a foot patrol in the country. Of the nightly watch, many, it is represented, are very feeble old men, and they were stated by a divisional magistrate to be not sufficient either for their own or the public protection. A late regulation has been adopted by the magistrates, not to take any new watchmen over 30 years of age. At Ranelagh, which is a populous suburb, within a mile of Dublin, the inhabitants, from the deficiency of the police force, find it necessary to provide, at their own expense, an auxiliary establishment of watchmen in winter for their protection. The country patrol is generally considered insufficient, and attempts have been made by the magistrates to obtain an increased force for town and country, but without effect. Much petty theft (as represented) is committed in Dublin, particularly in the public markets, from the absence of a sufficient day patrol.

A very extensive portion of the city, west of the Castle, comprising the populous district of the Earl of Meath's liberty, is without any police office, or resident magistrate, and several of the divisional justices do not reside within the city.

It is, as we have stated, expressly enacted by the 13th section of the 48 Geo III. c. 140, that one or more of the divisional justices shall diligently attend at each of the public offices, each in his proper division, every day, from 10 of the clock in the morning until 8 of the clock in the evening; and that two shall attend together, at each office, from 11 of the clock in the forenoon until 3 of the clock in the afternoon. This provision does not seem to be strictly observed in the public offices, the attendance in the evening after 3 o'clock

MUNICIPAL REGULATIONS.

appearing to be but occasional, when business requires; nor is the latter clause, requiring the attendance of two magistrates from 11 o'clock to 3, observed with much precision. We have not, however, had any evidence before us of any serious public inconvenience having accrued from these deviations from the strict letter of the enactment.

Police and Watch Funds.

123. The Funds applicable to the expenses of the Police and Watch Establishment are derived from various sources.

Watch Tax.

The most important charge on the citizens of Dublin for these objects, is the Watch Tax.

This tax was formerly imposed by the statute 35 Geo. III. c. 36, s. 75, by which the churchwardens of the several parishes, within the Circular Road and the wall of the Phœnix Park, were required to assess a certain rate upon each house in that district, not exceeding the sum of 1*s.* 3*d.* in the pound of the yearly rent thereof, as the same had been, or should be, valued for the collection of ministers' money, (under the 17, 18 Car. II. c. 7,) and the like rate on houses not so valued, or not liable to such valuation. Provisions are contained in this statute for effecting a valuation, for the purposes of the Act, of the two last classes of houses; with a clause, that no house shall be valued at more than £60 a-year.

This statute was amended by the 36 Geo. III. c. 30, by including within the district liable to such taxation, certain parts of the parish of St. Peter's lying between the Circular Road and the Grand Canal; and by establishing the following rate of watch-tax, which is that now collected, viz.:

		s.	*d.*	
Upon all houses rated at and under £5, for ministers' money,		1	0	for each pound.
„ „	from £5 and under £10 - -	1	3	
„ „	from £10 to £30 - - - -	1	6	
„ „	above £30 - - - - -	2	0,	

And the like rates on houses not so valued, or not liable to such valuation, "to be ascertained by a verdict of a jury."

The 39 Geo. III. c. 56, transferred to the superintendent magistrate of the police the authority to raise and levy these taxes, and gave him the power of appointing valuators of houses not valued for ministers' money, or not liable to such valuation. This Act also included within the district some other parts of St. Peter's parish.

These Acts were repealed by the 48 Geo. III. c. 140, but by the 103rd section of that Act, after reciting the expediency of continuing the assessments provided by them, "to the intent that a sufficient support and maintenance might be had for the said constables, (the watch constables,) and watchmen, and that arms, accoutrements, watch-coats, lanterns, fire, and other necessaries, for the aforesaid purpose of watching, might be provided, and that a sufficient number of watchhouses might be erected, provided, and maintained;" it was enacted, that the divisional justices of the Castle division, or any two of them, at the head office, should be authorized to raise and levy the like rates and assessments on all houses and tenements within the police district of Dublin metropolis, which, under or by virtue of any Act in force immediately before the passing of that Act, should be liable to be rated and assessed to any such rate or assessment as the superintendent magistrate was by the said recited Acts, or any of them, authorized and empowered to establish, raise, assess, and levy.

The 114th section requires returns of the houses valued for ministers' money, to be made by the churchwardens of the respective parishes, to the divisional justices of the Castle Division.

Under these powers the present watch-tax is collected, according to the rate prescribed by the 36 Geo. III. c. 30.

The number of houses rated to this tax in October 1833, was 17,638, and the amount of the assessment £11,200. The tax produced in the year ending the 31st March 1833, the nett sum above poundage of £11,047 3*s.* 2¾*d.*

This tax is collected by persons appointed by the divisional justices of the Castle Division, under the 103d section of the 48 Geo. III. c. 140. There are seven of these collectors. The collectors are thereby empowered to retain, to their own use, out of all sums received by them, such part or proportion thereof, not exceeding 1*s.* in the pound, as shall be directed by the divisional justices, or any two of them, at the head office.

They must, by s. 104, give sufficient security to the satisfaction of the divisional justices of the Castle Division, or any two of them, by bond to His Majesty, for the due and faithful execution and discharge of their office and duty; and must account on oath, as therein prescribed. They must also, by the 105th and 106th sections, on Saturday in each week, furnish a just and true account of all moneys received by them in the course of the week, and on every Saturday pay to the receiver all moneys received by them and then in their hands.

The other officers immediately connected with the collection of this tax, are the supervisor of watch-tax and his assistant, the former at a salary of £150 per annum, the latter at a salary of £73 16*s.* 11*d.*

On an inquiry, instituted by order of Government, in December 1831, into the financial departments of the police and watch establishment, it was discovered that very serious defalcations had taken place on the part of those concerned in the collection of the watch-tax, which had escaped detection by the magistrates, and by the Commissioners of Imprest Accounts, to whom the accounts of these establishments were referred. Collusion seems to have been suspected between the supervisor and the collectors; and the public appear to have been defrauded of considerable sums, the entire extent of which, it was stated to us by one of the persons engaged in the inquiry, it was not possible to ascertain. Papers which ought to

have been preserved until the accounts were audited, had been destroyed. The practical result of the investigation was, that four of the collectors and the supervisor were dismissed. Balances were found due by several of the collectors, to the amount of several hundred pounds; but these had been reduced by payments to the receiver, on the 8th May 1834, to the sum of £52 17*s.* 5½*d.*

The supervisor was charged with defaults to the amount of upwards of £800, and the receiver who had introduced that person into the establishment stated to us, that he had on that account considered himself to a certain degree responsible for his misconduct. It does not appear that legal proceedings were instituted, to determine the liability or imputed misconduct of the supervisor, which that individual denied; but the matter appears to have been finally settled by Government accepting £300 from the receiver. It was stated to us, that a better system has since been adopted in the supervisor's office, by which such defalcations will in future be avoided; and the receiver stated, that he thought the house-tax was better collected and better accounted for, and that it produced nearly £2,000 a-year more than it did three years since.

The objections which apply to the system of assessing this and other local taxes, by reference to the ministers' money, will be noticed in a subsequent part of this Report.

Carriage Tax.

124. The next important branch of the funds of the police establishment, which may be considered as a charge on the city of Dublin, is derived from the owners of Carriages plying for hire, or used in trade.

The income derivable from this source consists of sums paid for licences and annual rates of such vehicles; sums paid for figures supplied to them; fines imposed for breach of the laws and police regulations affecting public carriages, &c., and fees charged on the proceedings for imposing such fines.

The rates to be paid for these licences and annual rents are fixed by the statute, 37 Geo. III. c. 58, ss. 3, 5; and the description of vehicles required to be licensed, is given in the 2nd section of this Act, the 24th and 25th sections of the 39 Geo. III. c. 56, and the 4th section of the 44 Geo. III. c. xxii. (loc. & pers.) They comprise every description of vehicle carrying passengers for hire within the city, its suburbs or liberties, or within seven miles thereof, or carrying goods for hire, or used by merchants, traders, manufacturers, builders, &c. in their respective trades or occupations within the city, its suburbs or liberties, or within three miles thereof, with the exception declared by the 39 Geo. III. c. 56, s. 25, "that nothing therein shall extend to subject any carriage to a licence, on account of its being employed in bringing hay, straw, corn, vegetables, or potatoes, or nurserymen's carts drawing trees to or from town, or manure from town, to market."

The classification of these vehicles as now made by the officers in this department, and the rates of licence and annual rent payable on them, with the general number of each description licensed, is as follows:

	Licences, Irish Currency. £ *s.* *d.*	Rent per Annum. £ *s.* *d.*	General Number licensed.
Job coaches	5 0 0	11 12 0	104
Mourning ditto	5 0 0	11 12 0	13
Hackney ditto	5 0 0	11 12 0	42
Stage ditto	5 0 0	11 12 0	9
Chaises (cars)	1 10 0	1 2 0	1,200
Brewers' drays	1 0 0	1 12 0	104
Town cars	1 0 0	1 2 0	3,000
Country carts	0 10 0	0 17 0	500

The 4th section of the 37 Geo. III. c. 58, empowered the superintendent magistrate to grant such licences for any time not exceeding 21 years, and declared them to be transferable and devisable by the parties to whom they should be granted. Subsequent provisions of this Act regulated the mode of assignment, and gave a fee of 6*d.* to the collector of carriage duties for making an entry of the transfer.

By the 21st section of this Act the superintendent magistrate was authorized to alter and increase the fines to be paid, or the rents to be reserved on these licences, "provided the same be not increased above one-fourth part more than the fines and rents therein before particularly mentioned and expressed," and to make rules, orders, and regulations, for the purpose, and to alter, vary, amend, or annul them; provided every such alteration, rule, order, and regulation, respecting the fines or rents so made by the superintendent magistrate, should be approved of by the Lord Chancellor or Lords Commissioners of the Great Seal, and the chief judges or any three of them.

The powers of the superintendent magistrate under former Acts, except the receipt of money, are transferred by the 60th and 62d sections of the 48 Geo. III. c. 140, to the divisional justices of the Castle Division, who now accordingly grant the carriage licences required under the above statutes; and in November 1832 certain rules, orders, and bye-laws were made by them for the better regulation of the owners, &c. of cars, chaises, &c. plying for hire, or by way of job, within the aforesaid suburbs and liberties of Dublin, or within seven miles thereof. These rules were approved of by the chief justices. They provide, among other matters, that from the 25th March 1833, no person or persons shall be licensed to own, keep, or drive, or to employ for the purposes mentioned, any of the above-named and described carriages for any term exceeding 12 months; and that, if any person or persons applying for a licence or licences to own, keep, or drive any of the above-named and described carriages, shall not consent to pay in advance, at the time of granting such licence,

MUNICIPAL REGULATIONS.

the full amount of the rent or rents according to the rate specified in the said Act of the 37 Geo. III. for the year or term of such licence, the fine to be paid on such licence, and the rent to be thereon reserved, shall be respectively increased by one-fourth part of the respective amounts appointed by that Act.

Under the provisions of the 37 Geo. III. c. 58, the carriage rents are payable quarterly on every 25th day of March, &c.

The following officers, besides the receiver, are connected with the collection of carriage rents, &c.:

Collector of Carriage Rents.
Registrar of Carriages.
Two Assistant ditto.
Two Summons Servers.

The sums paid on all carriage licences, and the rents paid in advance on the particular description of carriages licensed since November 1833 under the new regulations, are paid to the receiver. The general carriage rent is paid to the collector of carriage rents at the office. He is allowed £5 per cent. on the amount paid.

The registrar of carriages and his assistants, and the summons servers, are paid by salaries; the amounts have been already noticed.

The charge for figures supplied to car-owners, &c. is 2*s*. 6*d*. on taking out the licence, and the same sum for renewing them if lost. These sums are collected by the registrar, and by him paid weekly to the receiver.

Fines.

125. The Fines imposed on the owners and drivers of licensed carriages for breaches of the law and of the regulations of the magistrates produce an income of some importance to the establishment.

These fines are imposed under various provisions and powers of the 37 Geo. III. and subsequent Acts already mentioned, which it is not necessary here to particularize, and the bye-laws and regulations made by the magistrates for the preservation of order and propriety of conduct on the part of the owners and drivers of carriages, &c. They vary from 2*s*. 6*d*. to £2 Irish currency, according to the offence.

It is the duty of the registrar to receive the complaints of the alleged offences and issue summonses. The fines imposed are paid to this officer, and by him returned weekly to the receiver.

These complaints are most generally preferred by persons in the employment of the police establishment, and specially appointed to the duty of watching the conduct of the drivers of cars, &c. There are eight of these inspectors thus employed. They are either peace officers or patrol constables, and are generally changed yearly, but sometimes more frequently. They are not paid a specific portion of the fines, but are remunerated by weekly allowances out of a fund called the Complainants' Fund, which is supplied from the fines. They are paid by the magistrates of the head office according to the degree of vigilance with which they appear to perform the duty. The average amount to the two principal inspectors is about 10*s*. per week. These officers are under the immediate control of the registrar of carriages, and are obliged to act as peace officers if occasion requires, but their ostensible duty is as carriage inspectors.

The temptation to compromise offences without bringing them by complaint before the magistrates may be expected to have some effect on men placed in such situations, and the registrar of carriages stated that he had heard, some years since, charges of that nature against the inspectors, and that men had been dismissed from the situation of inspectors for such conduct, but that he had no reason to think that such a thing had occurred in the last two years, and that no complaint had been made of such practices in that period.

It was admitted by this officer, that complaints made by the inspectors are frequently dismissed, and that they were not subject to any costs for preferring an unfounded complaint, so that the person summoned lost his time without getting any compensation. This in many cases must be a considerable hardship. He stated that this principally happened where the defence was that the car was engaged, which the inspector had no means of knowing; but we cannot see the propriety, in any case, of punishing the driver, or owner of the car, where innocent, by exposing him without compensation to the inconvenience and loss of time he must sustain on such occasions.

The costs attending these complaints are 1*s*. for the summons, and 1*s*. for the warrant, if issued.

If the fine be paid within the week, the only charge is the shilling for the summons.

These fees are paid to the receiver, and form part of the general funds of the establishment. In cases of complaints preferred by the inspectors, no charge is made to them in the first instance for the summons, but it is notwithstanding charged with the fine to the defendant, so that if the complaint fails, the officer who has preferred it loses nothing. But if a complaint be preferred by any other person, the shilling for the summons must be paid by him. The object of thus making the charge in the latter case is stated to be to guarantee the appearance of the party preferring the complaint; a precaution apparently not very necessary, if the complaint be substantial.

The only other charge we find made in connexion with this branch of the police department is of 1*s*. on each warrant issued to levy carriage rent in arrear more than 30 days. This fee is paid to the collector of carriage rent.

The following is a statement from the receiver and the registrar of carriages of the produce of the several heads of charge in this department, as above detailed, for the year ending 31st March 1834:—

	£	s.	d.
Carriage Rent	5,850	10	11½
Licences	1,104	12	1
Figures	155	5	0
Fines	1,117	13	5½
Summonses	330	7	0
Warrants	247	1	0
	£8,805	9	6

By the Act of the 37 Geo. III. c. 58, the complainants are entitled to half the amount of fines adjudicated against the owners of licensed carriages, but the inspectors now employed in Dublin, and the vicinity thereof, being officers of the police establishment, and as such receiving weekly pay, are only paid out of the fines for the extra service they perform, by quarterly gratuities according to their exertions, or the nature of the duties performed. The residue of the complainant's moiety of the fines forms the complainants' fund, already noticed.

In February 1833, a sum of £743 5*s.* 4½*d.*, the accumulation of this fund for some years, was credited to the public from the complainants' fund, by authority of Government, and the balances now accumulating, (deposited weekly with the receiver) will be transferred, in like manner, when authorized by the Lord Lieutenant.

Pawnbrokers' Licences.

By the statute 44 Geo. III. cap. xxii, (local and personal,) every person jointly, or separately, carrying on the business of a Pawnbroker, or having any interest or gain thereby, as a partner or anonymous partner therein, within the district of the metropolis or five miles thereof, was obliged to pay for each and every house, or other place, in which such business shall be carried on, for a Licence from the superintendent magistrate of the district of the metropolis, over and above all duties whatever, £100, Irish currency.

This licence duty is now paid to the receiver of the police, and forms part of the funds of that establishment.

The duty was paid in the year ending 31st March 1834, on 53 licences, amounting to the sum of £4,892 6*s.* 10*d.*

Publicans' Licences.

The same statute imposed a License Charge for the same purposes, on every person selling spirits by retail within the city of Dublin, or five miles thereof, of 10*s.* of the late currency, for each and every house in which the same shall be sold, over and above all duties whatever.

Under the late Act to amend the laws relating to the sale of wine, &c. by retail in Ireland, 3, 4 Will. IV. c. 68, it is, by section 12, required that any person who shall obtain or renew under that Act a licence to sell spirits in any house or premises situate within the police district of Dublin metropolis, shall within ten days deliver at the Castle Division a note of his name and abode and other particulars, and pay the receiver of the public offices the sum of 10*s.*; such sums to go in aid of the funds of the police district.

The licences to publicans for the year ending 31st March 1834, produced to the police funds £924 10*s.* 3*d.*

Other Licences.

A duty of £2 of the late Irish currency is made payable to the police funds by the 44 Geo. III. cap. xxii. (local and personal) by dealers in glass bottles, old clothes, and other articles. The amount produced by these licences appears inconsiderable. They produced, in the year ending 31st March 1834, the sum of £29 10*s.* 8*d.*

Fines and Fees at Divisional Offices.

By the 48 Geo. III. c. 140, s. 28, the Divisional Justices and their clerks are required to keep accounts of all Fees taken at each of the public offices, and of all Fines, penalties, and forfeitures recovered, levied, or received, in pursuance of any adjudication, conviction, or order had or made there or any process or warrant issuing from the same, and to deliver to the receiver an account verified on oath, by the justices or their clerks, and other persons employed in keeping such accounts, before the Lord Mayor, and to pay the amount of all such fees to the receiver. We have already noticed the 29th section, which provides for the payment to the receiver, and application to the expenses of the establishment, of all fines, penalties, and forfeitures, &c., recovered where they are payable, to the King, or to any persons other than the informer.

Under these sections and other clauses of this statute, and the 5 Geo. IV. c. 102, a considerable annual revenue appears to accrue to the police establishment from fines and fees paid at the divisional public offices.

As in the case of the fines on owners of carriages, the informations at the police offices are usually preferred by the peace officers, but the system we have noticed in the carriage department, as to the payment of the informers, does not appear to be established generally with reference to informations on other matters, except at the head office. In the other divisional offices the informer, though an officer of the establishment, seems to be considered entitled to the moiety of the fines, at least in cases of convictions of publicans; and the returns to the head office are only of the other moiety. Particular instances of abuse on the part of some officers, in reference to offences by publicans, were brought under our notice, and will be presently alluded to.

The fees charged at the head offices are—

	s.	d.
Recognizances	2	5
Affidavit, swearing, and drawing	1	0
Ditto swearing only	0	6
Summons	1	0
Attestation	1	0

MUNICIPAL REGULATIONS.

The produce of the fees and fines collected at the divisional offices for the year ending the 31st March 1834, was £829 14*s.* 9½*d.*

Parliamentary Grants.

The several sources of income we have stated have always proved insufficient for the maintenance of this establishment, and the deficiency has been supplied by annual Parliamentary Grants. They have generally exceeded £20,000 a-year. The following are the grants for the last ten years :—

1825	£26,000
1826	25,000
1827	24,300
1828	24,300
1829	24,300
1830	17,250
1831	20,853
1832	24,937
1833	12,000
1834	7,000

The total income and expenditure of the police and watch establishments for the year ending 31st March 1834, appear in the following accounts furnished to us by the receiver :—

An Account of the Receipts and Disbursements of John Cathcart Lees, Esq. Receiver of the Public Offices in the Police District of Dublin Metropolis, from the 1st April 1833 to the 31st March 1834, both days inclusive.

Receipts.	Public Offices. £ *s.* *d.*	Watch Establishment. £ *s.* *d.*	Total. £ *s.* *d.*	Disbursements.	Public Offices. £ *s.* *d.*	Watch Establishment. £ *s.* *d.*	Total. £ *s.* *d.*
Balance, 1st April 1833	. . .	. . .	2,996 13 5¼	Rents	498 1 11½	350 2 4¼	848 4 3¾
From the Treasury	14,312 6 8	. . .	14,312 6 8	Taxes	136 15 9½	49 0 3½	185 16 1
Divisional Offices, Fees, and Fines	829 14 9½	. . .	829 14 9½	Building and Repairs	320 13 9¼	177 2 7½	497 16 4¾
House Tax	. . .	11,047 3 2¾	11,047 3 2¾	Newspapers	87 9 9	. . .	87 9 9
Carriage Rent	. . .	5,850 10 11½	5,850 10 11½	Law Expenses	1,193 17 11	. . .	1,193 17 11
Carriage Fees, Fines, Licences, &c.	. . .	2,954 18 6½	2,954 18 6½	Stationery and Hue and Cry	25 16 8½	576 18 4	602 15 0½
Pawnbrokers' Licences	. . .	4,892 6 10	4,892 6 10	Coals and Candles	602 3 5	280 8 0½	882 11 5½
Publicans' Licences	. . .	924 10 3	924 10 3	Salaries and Pensions	10,995 9 3½	910 1 5	11,905 10 8½
Old Clothes Licences	. . .	23 19 11	23 19 11	Weekly Pay	8,129 19 10	13,778 6 0	21,908 5 10
Glass Bottles Licences	. . .	5 10 9	5 10 9	Clothing	681 17 7	512 17 4	1,194 14 11
Incidents	19 2 3	18 5 0	37 7 3	Accoutrements	6 8 9	. . .	6 8 9
Rent	. . .	44 15 4½	44 15 4	Horses	91 0 0	. . .	91 0 0
				Forage	554 17 8	. . .	554 17 8
				Incidents	1,174 10 7½	414 4 1	1,588 14 8½
	15,161 3 8½	25,762 0 10¼	43,919 18 0		24,499 3 0¾	17,049 0 5¾	41,548 3 6½
Balance	. . .	. . .	. . .	Balance 31st March 1834	. . .	. . .	2,371 14 5½
			43,919 18 0				43,919 18 0

Heads of Expenditure.

126. Some particulars of the above disbursements in salaries, &c. have been already stated.

Buildings.

The charges for rents and taxes are for the police offices and watch-houses. Buildings and repairs are carried on by the authority of the chief magistrate. An architect is employed who is remunerated by his professional charges on the works, which in some years amount to £70 and £80. The buildings, &c. are done by contract, which are advertised for. This part of the establishment is not under the control of the Board of Works.

The expenditure under this head for the year 1832 was much more considerable; it amounted to £200 12*s.* 3¼*d.*, including the cost of building a new watchhouse.

Law Expenses.

The average amount of Law Expenses is about £1,000 a-year. It is chiefly for the costs of prosecutions instituted by direction of the magistrates of the head office. Two barristers and a solicitor are appointed by them to this duty. It has been suggested to us by one of the persons officially employed in the late investigation into this establishment by order of Government, that the charges for these prosecutions should not be included in the police accounts of the city of Dublin; and that it would be better that all Law Expenses of that nature should be provided for in one vote of Parliament, so as to have all the expense of prosecutions before the public.

Hue and Cry.

The charge for the Hue and Cry is £500 of the late Irish currency per annum. This publication is distributed to the county magistrates (48 Geo. III. c. 140, s. 44,) and as it relates to the detection of offenders in all parts of Ireland, it seems more properly to be a charge to be defrayed separately by Government than as part of the local expenditure of the Dublin police.

The supply of coals, candles, clothing, accoutrements, and forage, are provided for by contracts made on public advertisements; and although the contractors are generally for some years the same individuals, we have no reason to believe that this part of the establishment is not managed with a proper regard to the public interests.

The item of "incidents," in the above account of disbursements, is composed of several charges, the most considerable of which is the sum paid for rewards to peace officers and

others for their exertions in the apprehension of offenders. These rewards are paid on the approbation of the magistrates of the head office. They amount to about £800 a-year.

The other charges comprised under this head are certain monthly expenses at each divisional office of from £3 to £4, charges for gas-lights, insurances, apothecaries' bills, and expenses attending the funerals of deceased constables and watchmen.

Accounts and Receiver.

127. The Accounts of receipts and disbursements of the establishment are kept by the officer we have mentioned called "the Receiver of the public offices," appointed under the 48 Geo. III. c. 140, s. 4.

All the funds of the public offices, arising from the several sources of income we have specified, are paid to this officer, and disbursed by him under the authority of the magistrates of the head office. He is, in fact, the treasurer of the establishment, though the actual deposit of the money is, in his name, in the Bank of Ireland. He has no control over or interference with the collection of the fund, and his office appears to be, in every respect, merely ministerial for the receipt and disbursement of the annual income.

His duties are prescribed by several provisions of the 48 Geo. III. c. 140.

By section 37, he is bound, when and as required, to make reports to the chief secretary to the Lord Lieutenant, or to the under secretary, of all matters relating to the business of his office; such return, if required, to be made on oath administered by the lord mayor.

By section 83, he is bound, as often as he shall have in his hands, of the moneys which by the Act he is authorized to receive, so much as shall amount to £100, to deposit it in the Bank of Ireland, and as often as occasion shall require, to draw orders on the Bank for payment of the sums necessary for the several purposes and expenditures directed by the Act, and not expressly charged on any other fund, "specifying in every such order the purposes to which such sums are to be respectively applied." The 84th section imposes a penalty of £20, and interest at the rate of 10 per cent. for every sum detained, on any neglect or refusal by the receiver to make such deposit.

The balances in the Bank of Ireland on this account are occasionally considerable. No profit whatever is made of the public money by the receiver. He has not any private account in the Bank.

The following balances were in the Bank at the respective dates:

	£	s.	d.
5th January 1832 - - - -	8,793	10	9
5th October 1832 - - - -	6,621	0	0
1st January 1833 - - - -	4,048	0	0
1st October 1833 - - - -	7,298	18	4
4th January 1834 - - - -	8,086	11	0

The actual balance of the receiver's accounts in favour of the public usually exceeds the balance in the Bank, as he is in the habit of making occasional advances to the magistrates and officers, and to the tradesmen and contractors employed. These advances are generally made at his own risk, and he stated to us that he had occasionally lost money by the persons to whom they were made dying before the day of payment of their salaries. It is, we think, an inconvenient and objectionable practice.

By section 85 of the 48 Geo. III. c. 140, the receiver's accounts are to be audited and settled every three months by the divisional justices, or any two of them, at the head office; and by sec. 86, they were to be audited every six months by the Commissioners of Imprest Accounts. Very ample powers are given by the 87th, 88th, and 89th sections to them to make a full investigation of the accounts, and the legality and propriety of the expenditure.

It appears, however, as we have already observed, that very serious defalcations took place on the part of those concerned in the collection of the public moneys of this department; and it was stated to us, by one of the officers employed on the investigation above mentioned, that defalcations and frauds had occurred in accounts which had been audited by the commissioners, but that they had not the means of detecting them.

He stated, that the pay-notes did not appear to have been laid before them, and that, on the investigation, those pay-notes appeared in frequent instances to have been falsified. This witness stated, that the financial part of the office was very heavy, and the detail enormous, and that it would be utterly impossible for the magistrates to look into it effectually without neglecting their magisterial duties. Some changes of system appear to have been made on the suggestions proceeding from this investigation, which place the financial department more under the direct control of the secretary of the head office; but it seems to be the opinion of the witness we have alluded to that the magistrates ought to be entirely relieved from all connexion with this department.

The diminution of the annual Parliamentary grants is attributed to the results of that investigation in inducing more economy of expenditure in the establishment, and a more exact and faithful collection of the taxes levied for its use.

Duties of the Receiver as to the Bridewells.

Besides his duties in the receipt and disbursement of the police and watch funds, the Receiver of the public offices is also entrusted with the sums presented by the grand jury for the Richmond Bridewell and Smithfield Penitentiary, under the 90th section of the 48 Geo. III. c. 140. The amount of these sums has been already stated.

The respective governors of these institutions prepare the estimates of the sums required, which they send to the receiver. His duty, in respect to them, is merely to see that the calculations are correct, and the estimates are then sworn to by the governors, and sent before the grand jury.

MUNICIPAL REGULATIONS.

The accounts of these moneys are distinct from those of the police funds, and the moneys are lodged to a separate account in the Bank of Ireland. They are disbursed by the receiver to the contractors, &c., of whom a list is furnished to him by the grand jury.

For his duties, in relation to these accounts, the grand jury present to the receiver £25 each presenting term, for the accounts of Richmond Bridewell, and £12 10s. for those of Smithfield Penitentiary, being £75 a-year.

We are not aware of any adequate practical reason for separating the care of this particular branch of the grand jury presentments from the general duties of the offices of treasurer and secretary to the grand jury. The preparation of the accounts of these moneys does not appear generally to occasion any increase of expense to the receiver of the public offices. The books and accounts are kept by him, aided by the clerk usually employed in his office in connexion with the police department; but it appears, and has been admitted by the receiver, that on one occasion the receipt for the payment of the sum to be presented to him for keeping the accounts was signed, by his direction, in his son's name, by the clerk, as if the accounts had, in fact, been kept by his son.

The receiver had, however, previously paid the amount to his son; this was, of course, merely gratuitous, as the accounts and books for the period had been kept by the receiver and his clerk. The statute 48 Geo. III. c. 140, does not direct any presentment to the receiver for keeping these accounts.

Observations.

128. The objections which have been made before us to the present system of the police magistracy in Dublin are chiefly referable to the general objection which prevails so strongly to the constitution and proceedings of the corporation—that the choice of magistrates is confined (except as to the barristers attached to each office) to the members of a body which is obnoxious to a large proportion of the inhabitants, from its exclusive and intolerant principles and conduct. Their appointment to the places of divisional justices does not require them to vacate their corporate offices. They, therefore, still appear to the public as participating in the acts and opinions of an exclusive political party, with whom they thus continue to be associated; and the confidence which should, and in general, we believe, might justly be entertained of the impartial exercise of their magisterial functions, is lost in the suspicion and distrust which attach to the members and adherents of the corporation.

Recent Act as to Licences.

The law as to Licences for the sale of spirits, &c., by retail, has been, recently, materially altered by the 3, 4 William IV. c. 68.

The previous enactments on this subject required a certificate to the party seeking a licence in the district of Dublin metropolis from the divisional justices of police.

Their functions in this respect have been transferred to the Court of Quarter Sessions, with the advantage of a public inquiry in that court, on due notice to all parties interested in objecting to the character of the applicants.

Much of the evidence laid before us, connected with this topic of Inquiry, consisted of complaints against the mode in which the power of granting such certificates was administered under the former code. It appeared, we think, that the magistrates trusted too implicitly to the representations of the inferior officers of police, and that several of the latter abused this confidence for purposes of emolument to themselves.

A very prevalent system appeared to have existed of purchasing the favour of these officers by presents of articles of grocery, &c., to secure their interest in obtaining the magisterial certificates.

The practice of some officers in informing against publicans for breaches of the statutory regulations affecting that trade was made another source of considerable emolument, and also enabled them to exercise an indirect influence over those exposed to such informations. In the course of the inquiry into these matters so much misconduct was established against two of the officers attached to one divisional office, that the justices of the office thought proper to suspend them, and they shortly afterwards resigned their situations.

There was evidence laid before us of reluctance or negligence of the peace officers in enforcing the provisions of the 3, 4 Will. IV. c. 68. This Act came into operation, for some purposes, on the 28th August 1833, but does not appear to have been put efficiently into force until the month of December in that year. This was ascribed to some difficulty in having the proper forms of summonses, notices, &c. prepared. Even in January 1834, we had evidence of numerous instances of violation of the prescribed regulations as to the hours of closing houses, and places of sale of spirits, &c., without any efficient check on the part of the police.

The number of licensed public houses in Dublin is very considerable, nearly 1,200, and a police magistrate of considerable experience stated to us his opinion, that the system of fining their owners for violations of the regulations had not been effective in preventing such houses from being open at unlawful hours. He stated that fines had been imposed and levied in his division to the extent of nearly £300 a-year, on an average, for the last three years, without producing any visible improvement.

PAVING and CLEANSING, LIGHTING and IMPROVING.

129. THE duties of Paving and Cleansing the city appear to have been imposed upon the corporation of Dublin as the consideration for their enjoyment of certain portions, at least, of their ancient revenues.

Original Obligation of the Corporation of Dublin.

The performance of those duties, and of the Lighting and Improving of the city, has been the subject of legislative regulation in a great number of successive Acts of Parliament, under which, at first, the management was vested, almost exclusively, in the corporate officers; but

afterwards, by degrees, as each successive system was found to fail through the misconduct of the managers, new methods were devised, until, ultimately, the corporation have been almost totally disconnected from administration of the funds, and relieved from the performance of the trusts.

Some payments are still annually made to these uses from the revenues of the corporation.

History of the Trusts.

We deem it right to detail here, briefly, the former History of these Trusts as appearing upon the statute book; a task, which is, in some measure, necessary to explain the existing enactments.

Paving and Cleansing.

The earliest Act of Parliament for regulating the Paving and Cleansing of the streets of Dublin appears to have been made in the year 1717, 4 Geo. I. c. 11.

That Act stated, that the public pavements in the city and suburbs, and the adjoining liberties, were, in many places, very much out of repair, and in several places raised to such a height that carriages or horses could not with safety pass over; and it was enacted, that the lord mayor, with one of the sheriffs, and two of the aldermen, to be nominated by the lord mayor from time to time as there should be occasion, in the city, and the seneschals, with three of their leet jury, in the several liberties, should direct the levelling, new paving, raising, and mending of the pavements; and they were empowered to charge the chief tenants inhabiting houses, and the owners of waste ground, with the price for paving, altering, or amending the pavements before their houses and grounds, so as it should not exceed 20*s.* at any one time.

The "scavenger of the city" (a corporate officer) was directed, two days in every week to be appointed by the lord mayor, to carry away the dirt, soil, and filth, out of every street and lane; and the inhabitants were compelled, before nine in the morning of those days, to sweep and cleanse before their houses, so as to have the dirt and soil ready for the scavenger to carry away.

In the year 1719, it is stated, (6 Geo. I. c. 15,) that, by reason of the great extent of the city, it was almost impossible for the lord mayor to see the former Act duly put into execution, and it was therefore enacted that the lord mayor and one sheriff within the city and suburbs, and every alderman within his respective ward, taking to his assistance the deputy alderman of his ward, might regulate the pavements.

No general rates were imposed by those Acts on the city and suburbs, but (there being no law in being that obliged the inhabitants of the liberties to pay the scavengers, by means whereof the streets and lanes were "extreme dirty and full of filth and rubbish,") the grand juries of the leets in the liberties were empowered to appoint scavengers, and by presentment to ascertain the sums of money that the inhabitants should pay to the scavengers for cleansing, to be applotted and levied.

In 1729, it was found, (3 Geo. II. c. 13,) that those Acts had proved ineffectual for the amendment of the pavements, cleansing of the streets, and removing nuisances; and the lord mayor was empowered to execute the powers, both as to cleansing and paving, without the assistance and concurrence of the other persons who were required to join by the former Acts, and those persons were discharged from all the powers and trusts in relation to sweeping and cleansing.

The churchwardens and directors of the watch in each parish were charged to examine and return all defects in the paving and cleansing, and the lord mayor was required to execute the trust reposed in him according to such returns.

The pavements, &c., were managed under those Acts until the year 1774, when an Act was passed, (13, 14 Geo. III. c. 22,) which states, that the streets, quays, bridges, &c., were not properly pitched or paved, and that the methods then prescribed by law for the paving the streets were ineffectual.

A corporate body, by the name of "The Commissioners for Paving the Streets of Dublin," was created, consisting of the lord chancellor, chief justices, &c., the lord mayor, recorder, sheriffs, 15 aldermen, and 15 common councilmen, (to be elected in common council by ballot,) the archbishop of Dublin, and the seneschal of the manor of St. Sepulchre, the lord of the manor and the seneschal of the manor of Thomas Court and Donore, the deans of Christ Church and St. Patrick's, and 37 persons named in the act.

The city was divided into five divisions, and the Protestant parishioners (s. 4) were directed to elect 12 persons in each division, who, together with three of the aldermen and three of the common councilmen elected as commissioners, should constitute a committee for carrying the Act into execution in each division.

The commissioners were empowered (s. 74) to enforce the execution of the former Acts, and various new enactments were made, the execution of some of the provisions being confided to the commissioners; of others to divisional committees.

The commissioners were empowered (s. 11) to appoint clerks, treasurers, receivers, surveyors, and other officers, and to make allowances to them, and to ascertain the proportion of the expense attending the same, as they thought proper, upon such division of the city as to them should seem reasonable.

The committees were authorized to appoint a clerk and a supervisor, and fix their salaries.

The commissioners (s. 15) had the ordering of the works; the committees (s. 17) were empowered to make contracts for the paving, to be approved of by the commissioners.

Where the duty of paving or repairing had been accustomed to be performed by any particular parish or corporation, and not by the owners or occupiers of the houses, &c., adjoining the pavements, it was directed (s. 31) that they should be paved and repaired at the expense of

MUNICIPAL REGULATIONS.

such parish or corporation by the paviours contracting with the commissioners, unless (s. 32) the commissioners compounded with them for a certain sum by the foot, &c.

And for defraying the charges of paving and repairing, it was enacted that rates should be laid and assessed by the commissioners upon all the lands, houses, shops, warehouses, cellars, vaults, or tenements, within the city, liberties, and other places mentioned, in such sums as the commissioners should order, not exceeding 1*s.* in the pound, in any one year, of the yearly rent as rated for the watch tax, and upon public buildings, dead walls, and void spaces, &c., (ss. 41, 45,) at a rate by the square yard, &c., to be settled by the commissioners.

By this Act regulations were made (ss. 22, 27, 28,) respecting pavements to be made by the persons who furnished water to the inhabitants of the city; and after ratifying (s. 23) the agreement between the corporation of Dublin, and the Grand Canal Company, respecting the supplying of the city with Water, it was enacted, (s. 35,) that the respective committees should have full power and authority, from time to time, to cause all or any part of the squares, streets, and lanes, to be well watered, as often as there should be occasion, in such manner as they should direct, and defray the expenses arising thereby out of the money to be raised by virtue of, or appropriated for, the purposes of this Act, (s. 43.)

Watering the Streets.

It was also enacted (s. 52) that the commissioners, or committees, should have power to oblige all the inhabitants of quays to keep in order the walls that embanked the river before their respective houses; provided (s. 53) that this should not extend to exonerate the corporation of Dublin, or any person bound by custom or contract to build, or repair, the walls on the river; but the corporation, and other persons liable, should be compelled thereto by the commissioners, or committees, as persons inhabiting of quays were subject and liable to.

In 1776, it was found necessary (15, 16 Geo. III. c. 20,) to require a certain qualification in the commissioners and committee men; several additional commissioners were named; the provisions were extended to two other divisions, viz., the baronies of St. Sepulchre and Donore, (s. 35,) but repealed as to the latter in 1780, 19, 20 Geo. III. c. 44, s. 17,) and the commissioners were empowered to borrow money at interest upon mortgages of the rates. A power was also given them (s. 18) of enclosing waste grounds at the expense of the party.

Composition with the Corporation of Dublin for certain Pavements.

By this Act (s. 27) the governors of the Lying-in Hospital were to be charged with £20 yearly, and no more, (s. 29;) the provost, &c., of Trinity College £70 yearly, and no more; and the Corporation of Dublin, for the pavement at or around St. Stephen's Green, £50 yearly, and no more. (The clause as to Trinity College was repealed by the next mentioned Act, s. 5.)

In 1782, (21, 22 Geo. III. c. 60,) it is stated that "by mismanagement of the fund a considerable sum had been profusely expended, and also a very heavy debt induced on the public, by means whereof the fund was greatly diminished, and yet many streets, and other places, were in a worse condition than they were before the said Acts of 1774 and 1776 passed;" and it became necessary to dissolve the then existing body, and to appoint other commissioners, with powers to carry the Acts into execution; in doing this the 15 aldermen and 15 common councilmen (elected by ballot) were excluded, and the lord mayor, recorder, sheriffs, two senior aldermen, and two senior sheriffs' peers, only, were admitted from the corporation, and associated with "the Members of both Houses of Parliament," and 67 persons named in the Act.

By this Act the qualification of commissioners was greatly increased; the parochial committees were altogether superseded, their powers being vested in 10 of the commissioners nominated out of the body at large for each of the six wards or divisions into which the city was then divided.

In 1784, (23, 24 Geo. III. c. 57,) a considerable debt still remained due, and many streets and other places were in a worse condition than they were before the Act of 1782 passed; and the benefits to the public, expected to arise thereby, had not accrued, and it became expedient to dissolve the then existing corporation.

It was also found, that the streets had not been cleansed or lighted, and that the persons, under whose management they had been, had not effectually executed the powers by law vested in them for the purpose.

Cleansing.

The Cleansing, as already stated, had remained under the direction of the lord mayor.

Lighting.

The Lighting of the city had originated in an Act of 1697, (9 Will. III. c. 17,) by which the corporation of Dublin were empowered for 21 years to cause public lights to be erected and maintained in the city and its liberties; and the Archbishop of Dublin, and the Earl of Meath, were empowered in like manner, in their liberties; rates of 3*s.* and 2*s.* on the inhabitants of certain houses were imposed.

A merchant, named Michael Cole, was appointed the deputy of the corporation to put the Act in execution for a term of 18 years.

The powers of the corporation were further continued by an Act made in 1717, (4 Geo. I. c. 9, ss. 6 to 11;) but, in 1719, the authorities were conferred on two merchants, named William Aldrich and Hugh Cumming, for a term of 21 years, by an Act (6 Geo. I. c. 18,) which received amendments in 1721 and 1729, (8 Geo. I. c. 16; 3 Geo. II. c. 22,) and those Acts were continued for a further term of 21 years in 1737 and 1741, (11 Geo. II. c. 19; 15 Geo. II. c. 11,) but the expense of the lighting was then directed to be applotted on the parishioners, &c., ratably as for the watch-tax.

In 1759, the former term being about to expire, (33 Geo. II. c. 18,) the citizens, in order

MUNICIPAL REGULATIONS.

to effect so useful a work as the effectual lighting of the city, agreed to raise the money necessary for the purpose by a reasonable tax and assessment on the inhabitants; and it was enacted, that the parishioners of the several parishes should light the lamps of their respective parishes and liberties, the lamps to be of such sort and fashion as to the corporation of Dublin, in common council assembled, should seem proper; and that the parishes, at their vestries, in March in every year, should assess and levy upon all persons inhabiting or holding premises, who were liable to pay watch money, such competent sums of money as the churchwardens and parishioners should order and direct to be raised ratably in proportion as they paid by way of watch money. The corporation, in common council, were required, annually, to ascertain the price for supplying, lighting, and maintaining each lamp for one year; and the churchwardens, who were empowered to make contracts for the work, with the consent of the parishioners, for the best terms they could, were restricted to the making of annual contracts for sums not greater than those appointed in common council.

Aldrich and Cumming had conveyed to Joseph Damer, and his executor, John Damer, was willing, on being paid the sum due to him, to assign over, the lanthorns, lamp irons, burners, posts, ladders, and other utensils, to the corporation of Dublin, or such persons as they should appoint; and the parishes having taken into consideration the great services of Aldrich, and the losses sustained by him and his representatives by the misconduct and embezzlements of the representatives of Cumming, and also the use which the lamps and utensils would be of, if handed over to them, agreed to give £1,500 for the purpose, and accordingly they were enabled to assess to that amount, to be paid to trustees to be applied to pay John Damer what was due to him, upon his handing over the lanthorns, &c.; and the overplus to Jane Glascock, Aldrich's only child.

The Acts renewed in 1741 were, in 1761, (1 Geo. III. c. 17, s. 20,) continued for 21 years from the 1st of May 1763, and thence to the end of the next session of Parliament.

Management of the Paving, Cleansing, and Lighting, &c., consolidated.

Under these provisions the city was lighted up to the time of the before-mentioned Act of the session 1784, (23, 24 Geo. III. c. 57,) when it was considered expedient that the ordering, directing, and managing, of the Cleansing and Lighting of the streets, and the ordering, designing, and making of all common sewers, drains, and vaults, should be put under the care of the same body who should have the direction and management of the Paving of the streets. And therefore the powers of all persons and bodies corporate for the cleansing and lighting of the streets, &c., were, as to them, determined; and seven persons were named to be "directors" of the paving, cleansing, and lighting of the several streets, and other places in the city, and other works to be done in pursuance of the Act, without salary, fee, or reward; and they were empowered, with the approbation of the Lord Lieutenant, to appoint five "commissioners," who should have £1 a-day each, for every day's actual attendance; and the several powers of the several Acts were vested in the directors and commissioners, the directors being authorized to remove the commissioners, with the assent of the Lord Lieutenant, and also to appoint to vacancies in their own body. These persons were incorporated by the name of "The Directors and Commissioners for Paving, Cleansing, and Lighting the Streets of Dublin."

The former commissioners had contracted a debt of £35,000 and upwards, and were directed to account with the new body; and the new corporation were empowered to raise sums not exceeding £10,000 upon mortgages of their rates.

Second Composition with the Corporation of Dublin for certain Pavements.

It was recited (s. 14) that it was incumbent on the lord mayor, sheriffs, commons, and citizens of the city of Dublin to have and keep in repair certain parts of the said city, the annual expense of which was estimated to amount to £300, and upwards; and it was enacted that those parts should be paved and repaired by the paviours, &c., contracting with, or employed by, the directors and commissioners, and that in order to defray the expense thereof the lord mayor, sheriffs, commons, and citizens, should pay the annual sum of £300 sterling out of the revenue of the said city, arising by tolls and customs, by half-yearly payments on every 25th of March, and 29th of September.

Public Fountains.

The directors and commissioners were to make and erect in or near the markets, and such other places as to them should seem proper (for the health, convenience, and benefit of the poor, and the cleanliness of the city,) such number of Public Fountains and conduits for the supply of water as aforesaid, the number not to exceed 20, and the rate for each fountain not to exceed £30, one with the other.

Composition with the Corporation of Dublin for the Cleansing of the City.

It was also recited (s. 21) that the Cleansing of the streets, and other places of the city, had theretofore been conducted under the direction of the lord mayor, sheriffs, commons, and citizens, and the expense thereof had been defrayed by them out of the revenue arising by the tolls and customs of the said city; and that it appeared, by a resolution of a committee of the House of Commons, that upon an average of 10 years the sum of £2,013 had been yearly applied by them for the purpose; wherefore, and towards the enabling the directors and commissioners to defray the expense of cleansing the streets out of the funds theretofore applicable to the same, it was enacted that the lord mayor, sheriffs, commons, and citizens, should pay to the directors and commissioners the annual sum of £2,000 out of the revenue of the city arising from the tolls and customs thereof, or so much thereof as such tolls and customs should be sufficient to pay.

An additional paving rate of 6*d.* in the pound was authorized, and the lighting rates were fixed at 1*s.* 6*d.*, 1*s.*, and 9*d.* in the pound on three different classes of houses, &c.

In 1786, all the foregoing Acts (with the exception of certain clauses, &c., not material to mention, except that the clause relative to the agreement between the corporation of Dublin and the Grand Canal Company was saved,) were repealed, (26 Geo. III. c. 61,) and the

MUNICIPAL REGULATIONS.

provisions (with alterations) were consolidated into one Act, the debt, then amounting to £45,271 9*s*. 4½*d*., being charged on the new rates. Power was given to borrow, upon mortgages of the rates, sums not exceeding £10,000.

The powers of the directors and commissioners under this Act for paving, &c., were extended as far as the public lights should extend within the limits of the Circular Road, and an Act of 1772, (11, 12 Geo. III. c. 13,) for the paving, cleansing, and lighting of Sackville Street, &c., was repealed, (s. 139.)

It was recited (s. 38) that the public fountains, or conduits, erected under the Act of 1784, had been found to contribute greatly to the health, convenience, and benefit of the public, and in particular to the poor of the city, and the cleanliness thereof; and it was enacted that the directors and commissioners might make and erect in the streets, &c., such number of fountains, or conduits, for the supply of water, as they should think necessary, and pay for the same out of the funds arising by the Act.

And (s. 39) that they should have full power and authority, from time to time, to cause all or any part of the public streets, or passages, to be well watered, in such manner as they should appoint; and, if necessary, to cause to be dug and sunk in any of the streets, or passages, any well or wells, and also to erect one or more pump or pumps for the purpose.

The provisions charging the corporation of Dublin with annual sums of £300 and £50 were renewed, (s. 79,) and in consideration of such payments they were discharged and exonerated from the costs and expenses of the pavement round Stephen's Green, and the other pavements.

Composition with the Corporation of Dublin for certain Lights.

It was also stated that they had been used to maintain and light Lamps at the mansion house, tholsel, and market house, and it was enacted (s. 80) that the treasurer of the city should pay, for that purpose, the annual sum of £20, by half-yearly payments, on the 25th March and 29th September, and that, in consideration thereof, the corporation should be exonerated and discharged from the costs and expenses of lighting and maintaining such lamps.

The other provisions of the former Acts were, substantially, readopted. The annual rate for paving was limited to 1*s*. 6*d*. in the pound; the rates for lighting to 1*s*. 6*d*., 1*s*., and 9*d*., as before, (ss. 52, 53.)

A provision was introduced, (s. 50,) charging the owners of grounds and houses in new streets, for the making of foot-ways, carriage-ways, and sewers, in proportion to the extent in front of each house, or lot of ground.

Agreement of the Corporation of Dublin to supply Water.

By an Act of 1788, (28 Geo. III. c. 50, s. 30,) for the better supplying the city with Water, reciting the benefits arising from the fountains and conduits then erected by the commissioners, and that they had been prevented from extending those benefits throughout their jurisdictions for want of the necessary and constant Supply of Water, and had proposed to the corporation of Dublin to pay them £150 per annum, the better to enable the corporation to extend their mains and works for the supply of water to the fountains or conduits to be erected by the commissioners in such places as they should think proper, it was enacted, that the agreement should be ratified and confirmed, and that the commissioners should, out of their funds, pay the corporation the sum of £150, in one or more payments, in every year, for ever.

By an Act of 1790, (30 Geo. III. c. 42,) several amendments in the then subsisting enactments were made, and amongst other things the corporation for paving, &c., were empowered to repair and make the roads to the city, lying between the end of the pavements and the Circular Road; but in 1797 (37 Geo. III. c. 22,) they were directed to discontinue such repairs if the grand juries of the city and of the county Dublin, &c., did not make provision by presentment, &c., towards the expenses.

The borrowing (with the approbation of the Lord Lieutenant) of further sums of money, not exceeding £10,000, was authorized. In 1800 other alterations were made, (40 Geo. III. c. 62, ss. 13 to 15.)

The trusts of these Acts seem to have been very seriously abused, for, in 1805, (45 Geo. III. c. 112,) it became necessary to appoint commissioners of inquiry into the conduct of the directors and commissioners, and to provide for the suspension of their powers.

And upon the report made upon that inquiry the powers of the former corporation were suspended, (40 Geo. III. c. 68,) and new commissioners were temporarily appointed.

An advance of money out of the consolidated fund, not exceeding £20,000, was provided for the purposes of paving, &c.; the sums so advanced (with interest) to be paid and redeemed out of the produce of the rates as thereby directed.

Acts now in force.

In 1807, (47 Geo. III. (loc. & pers.) sess. 2. cap. cix.) all the former enactments were repealed, and the Act which now principally regulates the paving, lighting, and cleansing of Dublin was introduced.

This Act has been followed by another passed in 1814, (54 Geo. III. (loc. & pers.) cap. ccxxi.) making certain alterations.

Local Limits of the Jurisdiction.

130. The Act of 1807 (s. 1) recites, that there are divers considerable districts within the Circular Road surrounding the city of Dublin, which had been wholly, or in part, exempt from the jurisdiction of the Directors and Commissioners, &c., and from the taxes for paving and lighting vested in them; and that it was expedient that the said districts should be subject to the Jurisdiction of the Commissioners then to be appointed, and accordingly all places within the Limits of the Circular Road, &c., (thereby, ss. 7 and 8, and by the 54 Geo. III. s. 1, particularly defined,) are placed under their jurisdiction.

MUNICIPAL REGULATIONS.

In 1785, an Act (25 Geo. III. c. 43) was made for the completing and effectually lighting of Rutland Square, and the better support of the Lying-in Hospital. This refers to the general Paving and Lighting Act of 1784. A tax of 1*s.* 9*d.* per foot running measure was imposed on the houses from No. 1 to No. 48, payable to the governors of the hospital, to create a fund for lighting lamps on the rails, enclosing the gardens, and for the benefit of the hospital. The lights in front of the houses, also, were placed under their direction, the Act compelling the owners of each house to erect and keep in repair one, two, or three lamps in front, according to the number of feet in front, and taxing them at the rate of £1 14*s.* 0*d.* per year for each lamp. It further enacted, that the inhabitants, on complying with the requisites of the Act, "shall be for ever after exempted from any tax or imposition whatsoever imposed by virtue of any law now in force or hereafter to be made for the lighting or regulating the lamps of the city of Dublin, or any part thereof."

Provisions as to Rutland Square.

The Act of 1807 (47 Geo. III. c. 109. s. 1,) recited, that there were divers considerable districts within the Circular Road exempt from the jurisdiction of the commissioners and the taxes for paving and lighting, and that it was expedient that those districts should be subject to the jurisdiction of the commissioners; and it imposed the general tax for defraying the charges of paving, repairing, and lighting the streets, squares, &c., within those limits, in general terms, and without any exception of Rutland Square, or reference to the Act of 1785.

In 1810, an Act (50 Geo. III. (loc. & pers.) cap. ccv.) was passed, whereby, after referring to the 25 Geo. III. and 47 Geo. III., and reciting that doubts had arisen how far the 25 Geo. III. was continued in force, it was declared and enacted, for obviating all such doubts, that notwithstanding the 47 Geo. III. or any other Act, the provisions of the 25 Geo. III. should be deemed, and were declared to be, in force.

Upon this Act it was agreed, between the governors of the hospital and the commissioners, (6th June 1811,) that the account respecting the lighting of the square should be arranged as if the Act of the 47 Geo. III. had not in any manner interrupted or interfered with the Acts then in existence, under which the governors derived their powers of lighting the square.

The subsequent Act (54 Geo. III. (loc. & pers.) cap. cxx.) grants, in lieu of the rates and assessments for paving, repairing, lighting, and cleaning the streets, squares, &c., within the limits of the jurisdiction of the commissioners under the 47 Geo. III., new rates, &c., and does this in general words, and without any exception of Rutland Square, or reference to the Acts respecting it; and the question, whether the exception made by the 25 Geo. III. was not again legally put an end to, again arises.

In practice, however, the exception has been continued, and the assessment has been made by the commissioners upon the square for paving and cleansing only; and a separate assessment, for lighting, has been imposed by the governors of the hospital.

131. The 6th section of the 47 Geo III. recites the advantages of paving, cleansing, and lighting the streets, of erecting fountains and conduits for the use of the poor and public, of making common sewers and drains, and of putting all those works under the care of one Board, and therefore empowers the "Lord Lieutenant, or other Chief Governor or Governors of Ireland for the time being, to nominate three persons to be commissioners for those purposes;" and the 9th section makes them removable at his or their pleasure.

Constitution of the Board.

By the 12th section, the three commissioners are made a corporation, by the name of "The Commissioners for Paving, Cleansing, and Lighting the Streets of Dublin;" and any two of them (s. 13) are enabled to exercise all their powers.

The appointment and removal at pleasure of four principal officers under the commissioners, viz., two supervisors of works, the secretary, and the treasurer, are vested in the Lord Lieutenant or other Chief Governor of Ireland for the time being; with a Power in the commissioners also of removing or suspending them, and, during such suspension, of appointing others to their offices.

Summary of their Powers.

The appointment of their collectors and all other officers and servants, and the powers of removing and suspending them, are placed altogether in the commissioners.

They have a jurisdiction to try offences against these Acts, and to impose fines (not exceeding 40*s.*) for neglect to attend to their summonses, and to impose a new fine for every successive neglect. Any one or more of them may examine on oath, and hear and determine such complaints.

They are enabled to purchase ground and to take down houses for enlarging the public passages, and to issue their precepts to the sheriffs of the city to return juries for ascertaining the value of such premises, and to give judgment for the sums of money to which they shall have been valued. Special provisions are made for the application of such purchase moneys, which are charged upon the funds of the commissioners. But it is provided that this shall not extend to authorize the commissioners of paving to make new streets or passages, or to widen or lay out streets which shall be under the direction of the Commissioners for making Wide Streets. Powers are given them also to widen any old road between the Circular Road and the pavements.

It is also provided by the 47 Geo. III. s. 134, for the purpose of empowering the inspectors of nuisances to act as constables under that Act, that the lord mayor of the city, upon a certificate being returned to him by the commissioners that the persons therein named have been appointed to any employment under the commissioners, shall swear such persons, not exceeding eight in number in the whole, into the office of constables under that Act.

All money raised under the Act, and all fines and forfeitures paid, are vested in the commissioners, together with the property in the works; and they are empowered to order and direct the squares, streets, lanes, courts, alleys, quays, and bridges, to be pitched, paved,

MUNICIPAL REGULATIONS.

repaired, raised, lowered, or altered, and for that purpose to be stopped up; and to remove all posts, rails, &c., and all encroachments and projections beyond the front wall of each house; and to employ such artificers, workmen, labourers, carters, and others, and to do all and every such other acts and things touching the premises, as they shall judge necessary. They are also authorized to enter into contracts for paving or keeping in repair, or for cleansing or lighting, all or any of the streets, &c.

Several provisions are made for the mutual regulation of the works of the commissioners and those of the pipe-water committee of the corporation of Dublin.

The erection of public fountains and conduits, the watering of the streets, the making, repairing, and cleansing of sewers and drains, are intrusted to them, together with the administration of a great number of minute provisions for regulation of the highways, markets, &c., and the conduct of the inhabitants, the drivers of carriages, &c. &c. &c.

They are also invested with a most extensive jurisdiction of assessing the inhabitants by general rates on the valuation of houses and the measurement of other premises, to which rates certain limits are fixed; and also by a variety of special rates for watering the streets, making sewers, and other works.

These statutes, in general, require the concurrence of two of the commissioners to the validity of the acts of the Board, except where they sit judicially, in which cases any one of them is empowered to hear and determine the complaints,&c.

List of Commissioners from 1807.

The Commissioners under the Acts of 1807 and 1814 have been the following persons, at the several periods specified.

1807.	1. Major Alexander Taylor	1822, Nov. 27th.	1. Major Alexander Taylor
„	2. Alderman Henry Hutton	„	2. Alderman Mark Bloxham
„	3. Alderman Frederick Darley	„	3. Thomas Newcomen Edgeworth, Esq.
1808, Feb. 18th.	1. Major Alexander Taylor	1825, Aug. 16th.	1. Major Alexander Taylor
„	2. Alderman Frederick Darley	„	2. Thomas Newcomen Edgeworth, Esq.
„	3. Alderman Joseph Pemberton	„	3. Alderman Richard Smyth
1808, Sept. 1st & 2nd.	1. Major Alexander Taylor	1827, Feb. 5th.	1. Vacant
„	2. Alderman Hugh Trevor	„	2. Thomas Newcomen Edgeworth, Esq.
„	3. George Ewing, Esq.	„	3. Alderman Richard Smyth
1812, Jan. 18th & 25th.	1. Major Alexander Taylor	„ Nov. 22nd.	1. Alderman Richard Smyth
„	2. Alderman Mark Bloxham	„	2. Colonel George Morris
„	3. Thomas Nesbitt, Esq.	„	3. Hickman Kearney, Esq.
1820, Dec. 23rd.	1. Major Alexander Taylor		
„	2. Alderman Mark Bloxham		
„	3. Sir Charles Coote, Bart.		

Former Mismanagement.

The above-named Major Alexander Taylor appears to have been one of the Commissioners of Inquiry, under the Acts of 1805 and 1806, who was most active in exposing the abuses and corruptions of the former "Directors and Commissioners," and in the devising of the new system put into operation in 1807; but that new system, it appears, did not, under his subsequent superintendence, produce relief from the weight of local taxation. On the contrary, in the hands of Major Taylor and others, the enactments of the new statutes became the means of oppression and abuse, unexampled in the former mismanagement of the local affairs of the city.

Commission of Inquiry, and Report of the Commissioners, in 1826.

The complaints of the inhabitants were long unattended to. After the appointment, however, of one of the present commissioners of paving, (Alderman Smyth,) in 1825, the fraudulent conduct of the prior commissioners and their officers was detected; and an inquiry was held before two gentlemen of the Bar, (J. T. Hall, Esq., and W. D. Freeman, Esq.,) who made their report on the 7th of November 1826, which was afterwards, with an appendix of the evidence taken before them, printed by order of the House of Commons in May 1827.

That report (of 1826) contains an exposure of the maladministration of the funds practised previously to its date; and it will be sufficient in most respects to confine our present observations to subsequent transactions.

The present Board.

In 1827 the present Board of Commissioners was formed, consisting of Alderman Smyth, who was promoted to be chief commissioner, and of Colonel Morris, and Mr. Hickman Kearney.

Improvements effected.

There can be no question that a very improved system of management has been organized under the new commissioners, and that many of the defects pointed out in the report of 1826 have been remedied.

For instance, upon a comparison of three years ended 5th January 1825, and three years ended 5th January 1832, the average annual amount of losses by uncollected arrears of tax has been reduced from £9,379 15*s.* to £1,677 1*s.* 8*d.*, and this appears to have been effected without an oppressive exercise of power, and principally by correcting the negligent, partial, and corrupt practices of the collectors.

Again, the minutes of the proceedings of the present commissioners appear to contain a full record of every transaction of the board; and in all the departments connected with its business, the documents are faithfully preserved, and by the arrangements in the offices readily accessible.

Further, a very effective control and superintendence of the accounts of the establishment has been carried into effect, and many improvements have been made in matters of minor detail.

Maximum Rate of Taxation still maintained.

But it is to be lamented, that notwithstanding those useful changes, very little relief from the pressure of the Tax has been achieved for the public. In two years, only, since the formation of the present board, has there been any abatement from the Maximum of general Rate for paving, cleansing, and lighting, viz:

For the year ending 5th January 1829, an abatement of 22½ per cent.
„ „ „ 1832, „ 20 per cent.

The maximum of the rate having been maintained in every other year.

The former abatement in the rate of tax was voluntary on the part of the commissioners, and appears to have been founded upon the improvement of the finances consequent upon the better collection of the tax, and upon there being then in bank, to the credit of the board, a considerable balance, in part, it is alleged, attributable to accidental causes.

The latter abatement was made ostensibly upon a calculation by the commissioners that they could make the remission by confining themselves to necessary repairs in the year 1831, and not undertaking any new improvements; but, in reality, it was made at the special desire of Sir Henry Hardinge, when chief secretary, (urged by the representations of the tax-payers,) and against the opinion of the commissioners.

We shall comprise the principal observations, which we think it necessary to make in detail on the present system of management, under the heads of the income and expenditure of the board; treating, under the head of income, of the powers of taxation possessed by the commissioners; and under the head of expenditure showing the extent of the establishment maintained by them, and their mode of conducting their business.

132. We here annex, in the first instance, the following returns of the income and expenditure. We have divided them into three periods, in order the more clearly to contrast the first period, viz., of five years, ended 5th January 1825, in which the affairs were under the control of the commissioners who were dismissed for misconduct, with the third period, viz., of five years, ended 5th January 1833, in which they were under the control of the present commissioners. In the intervening period of three years the inquiry into the affairs was pending, and the alterations of the system were in progress.

The disbursements appear here under the heads of account as used by the commissioners; but we shall have occasion to show there are items which ought to be differently classed, particularly as regards the item of salaries.

A RETURN, showing, under the usual Heads, the INCOME of the COMMISSIONERS

Years Ending	Tax.		Works Chargeable.				Scavenging Soil sold.
	Paving and Lighting.	Watering.	Paving, Shingling, and Flagging.	Sewers.	Repairs over Pipe Water-works, Gas Openings, and Liberty Fountains.	Lighting private Lamps.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
5th January, 1821, late Irish Currency	32,204 4 4	1,497 18 5½	664 19 6½	391 6 2½	701 2 6	1,486 5 9½	1,059 18 10
,, 1822, ,,	30,588 9 0	1,369 1 10	855 10 7½	439 16 1	2,620 18 1	844 2 8	850 15 10
,, 1823, ,,	29,729 16 9	1,642 9 6	800 2 0	406 13 6	1,881 0 3½	424 16 0½	938 5 1
,, 1824, ,,	26,819 13 9	1,527 12 0½	2,100 16 9½	314 9 0	2,610 13 3	1,071 9 6½	888 8 10
,, 1825, ,,	34,217 16 10	1,732 11 3	774 12 4½	312 13 2	3,543 16 0	772 13 9½	970 11 4

A RETURN, showing, under the usual Heads, the INCOME of the COMMISSIONERS

Years Ending	Tax.		Works Chargeable.				Scavenging Soil sold.
	Paving and Lighting.	Watering.	Paving.	Sewers.	Flagging.	Lighting private Lamps.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
5th January 1826, late Irish Currency	37,945 7 5	2,519 16 7	3,137 19 11	. .	. .	948 19 10	903 12 4
,, 1827, British Currency,	36,625 2 0	2,635 8 1	5,752 6 6½	208 12 6	367 10 3	396 18 2	1,196 2 7
,, 1828, ,,	36,203 9 0	2,358 19 6	1,547 17 1	1,042 8 2	502 8 11	49 12 3	1,593 15 0

A RETURN, showing, under the usual Heads, the INCOME of the COMMISSIONERS

Years Ending	Tax.		Works Chargeable.				Scavenging Soil sold.
	Paving and Lighting.	Watering.	Paving.	Sewers.	Flagging.	Inclosing Waste Ground.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
5th January 1829, British Currency	31,662 3 7	2,232 14 10	2,121 3 11	1,391 18 1½	341 0 2½	. .	896 15 2
,, 1830, ,,	35,288 11 5	2,513 2 1	2,112 6 8	273 8 4	591 12 9	. .	12 6 8
,, 1831, ,,	34,554 13 10	1,510 13 7	884 13 10	616 13 10	962 4 10½	. .	440 19 7
,, 1832, ,,	28,781 11 1	1,820 10 10	1,307 3 9½	497 4 10	451 1 11	. .	1,690 0 2
,, 1833, ,,	33,277 19 6	1,553 2 5	765 9 1	1,072 0 3½	389 4 0	27 7 11	1,928 16 3

A RETURN, showing, under the usual Heads, the EXPENDITURE of the COMMISSIONERS

Years Ending		Paving.	Scavenging.	Lighting.	Sewers.	Flagging.	Corporation House.	Stationery, Printing, and Stamps.	Advertising and Newspapers.	Law.	Nuisances.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
5th January 1821	Late Irish Currency.	9,479 9 8	4,159 11 6½	9,326 5 7½	1,108 11 4	980 16 10	672 16 1½	384 15 7	97 17 6	1,752 15 5	279 14 2½
,, 1822		9,298 16 6	4,007 16 4	9,392 1 11½	1,123 2 3½	1,697 9 0	224 2 1	249 10 0	23 19 5	523 2 0	273 5 7½
,, 1823		8,143 18 0½	4,164 13 9	8,446 8 5½	1,008 12 0	1,917 2 5½	161 14 2	344 17 10	23 9 1	22 15 0	211 14 1
,, 1824		8,276 10 11	5,052 11 7	7,356 12 1	1,173 7 8	1,932 17 6½	141 13 5	255 13 9½	17 1 6	67 8 2	215 18 10
,, 1825		14,795 18 9	5,599 15 2	8,881 12 8	929 7 7	5,974 18 5½	285 14 7	552 5 11	69 3 5	1,595 12 1	273 18 0

A RETURN, showing, under the usual Heads, the EXPENDITURE of the COMMISSIONERS

Years Ending		Paving.	Scavenging.	Lighting.	Sewers.	Flagging.	Corporation House.	Stationery, Printing, and Stamps.	Advertising and Newspapers.	Law.	Nuisances.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
5th Jan., 1826	Late Irish Currency.	18,668 4 10	6,154 19 11½	6,054 14 9½	1,332 10 4	4,171 18 1½	149 10 8	269 12 2	125 15 1	293 12 8	308 12 4
,, 1827	British Currency.	19,383 3 3½	5,371 1 9	6,717 16 7½	1,598 12 3½	4,928 6 8	250 4 7½	302 8 11	99 15 9	596 7 5	234 16 9½
,, 1828	British Currency.	10,729 4 3½	5,218 12 9½	8,517 19 0½	830 18 2	2,959 5 4½	1,145 12 3	503 18 7	229 14 4	225 8 5	364 14 8

A RETURN, showing, under the usual Heads, the EXPENDITURE of the COMMISSIONERS

Years Ending		Paving.	Scavenging.	Lighting.	Sewers.	Flagging.	Corporation House.	Stationery, Printing, and Stamps.	Advertising and Newspapers.	Law.	Nuisances.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
5th January 1829	British Currency.	16,388 2 4½	5,476 9 8½	7,584 18 7½	2,123 5 10	2,701 14 1½	581 9 4	497 10 6	227 5 6	1,074 12 3	471 3 8
,, 1830		13,992 10 2	4,457 7 1	7,693 5 11½	1,743 11 0	2,904 2 9	491 1 0½	390 15 10	122 18 9	240 13 10	386 16 4
,, 1831		15,621 1 6½	6,767 18 1½	7,848 3 10	2,388 17 0½	3,542 12 11½	189 10 3	414 7 4	119 2 6	488 11 10	331 19 0
,, 1832		7,418 1 6	6,556 5 6½	7,771 8 1½	1,192 16 10½	1,378 4 10	188 1 11	176 5 10	78 12 2	560 8 1	344 15 7
,, 1833		10,817 9 4	7,639 10 4	7,905 16 11½	2,829 10 5½	1,591 1 5	156 5 8	260 14 3	132 18 0	54 17 0	388 15 10½

163

or PAVING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1825.

Compositions payable by the Corporation of the City of Dublin.			Fines.		Produce of Fields at Island Bridge.	Horses and Scavenging Carts sold.	Oil Casks sold.	Miscellaneous Receipts.	Total.
Paving.	Cleansing.	Lighting.	For Nuisances, &c.	Lamps broken.					
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
50 0 0	" "	" "	82 17 2½	21 7 8	9 13 6½	68 18 7	93 1 1	" "	38,241 13 9
" "	" "	" "	105 7 7½	45 4 10	54 8 7	21 4 6	16 1 10	290 11 0	38,101 12 6
100 0 0	650 0 0	" "	52 9 4	27 11 8	34 12 10	" "	73 8 0	93 6 6	36,854 11 6
600 0 0	" "	40 0 0	66 1 2½	32 17 8	11 14 10	32 19 9	119 14 0	4 13 4	36,241 4 0
400 0 0	" "	20 0 0	112 19 2½	31 3 0	24 7 5	0 6 0	100 4 0	124 2 0½	43,137 16 5

or PAVING, &c. the STREETS of DUBLIN for Three Years, ending 5th January 1828.

Compositions payable by the Corporation of the City of Dublin.			Fines.		Produce of Fields at Island Bridge.	Deposits for Licences.	Oil Casks sold.	Miscellaneous Receipts.	Total.
Paving.	Cleansing.	Lighting.	For Nuisances, &c.	Lamps broken.					
£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
50 0 0	" "	" "	147 19 4	68 5 11	55 5 0	" "	69 17 0	176 13 5	46,023 16 9
576 18 5	" "	36 18 5	240 8 4	20 4 2	" "	1,341 2 9	6 12 0½	1,083 14 11½	50,487 19 3
484 12 2	" "	27 13 10	315 1 8	2 0 0	" "	1,516 3 2	" "	676 15 7	46,320 16 4

or PAVING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1833.

Compositions payable by the Corporation of the City of Dublin.			Fines.		Fines upon Contractors.	Deposits for Licences.	Oil Casks sold.	Miscellaneous Receipts.	Total.
Paving.	Cleansing.	Lighting.	Nuisances, &c.	Lamps broken, &c.					
£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		£. s. d.	£. s. d.
276 18 5½	" "	18 9 2½	223 13 7½	2 7 0	6 0 0	1,621 1 10	" "	1,018 3 0½	41,812 9 0
369 4 7½	" "	18 9 2½	172 12 3½	2 17 6	312 6 7	1,580 6 10½	" "	[109 17 11½	43,357 2 11½
46 3 1	" "	" "	105 8 6½	1 19 8	609 18 0½	1,647 0 6½	" "	167 9 7½	41,547 19 0½
461 10 9	" "	27 13 9½	114 12 6½	1 2 0	" "	1,426 5 3	" "	69 2 9½	36,647 19 9
415 7 8	" "	27 13 10	122 4 4½	1 16 6	" "	1,498 7 0	" "	35 19 8	41,115 8 6

or PAVING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1825.

Annuities.	Salaries.	Tax Refunded.	Poundage.	Watering.	Repayments of Deposits.	Inclosing Ground.	Fountains.	Miscellaneous.	Horses and Forage.	Factory Expenses.	Total.
£. s. d.	£. s. d.		£. s. d.	£. s. d.			£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
,750 0 0	5,010 1 4½	" "	770 9 8	" "	" "	" "	13 9 2	187 18 2½	893 8 4	2,126 19 9	38,995 0 4
,550 0 0	4,168 7 9	" "	840 13 10	252 14 11	" "	" "	300 0 0	148 19 11	1,497 13 11	2,140 13 1½	37,712 8 8
,400 0 0	4,067 14 9	" "	743 4 8	" "	" "	" "	" "	113 9 2	1,569 17 8	2,018 0 5	34,357 11 6½
,400 0 0	4,030 13 5	" "	670 9 7	190 14 2	" "	" "	300 0 0	141 3 5	1,636 1 10	1,436 5 8½	34,295 3 7½
,300 0 0	4,046 15 8	" "	855 8 7	140 3 10	" "	" "	150 0 0	219 15 4	1,474 12 7	1,522 7 11	48,667 10 6½

or PAVING, &c. the STREETS of DUBLIN for Three Years, ending 5th January 1828.

Annuities.	Salaries.	Tax Refunded.	Poundage.	Watering.	Repayments of Deposits.	Inclosing Ground.	Fountains.	Miscellaneous.	Horses and Forage.	Factory Expenses.	Total.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
,200 0 0	3,815 15 8	" "	1,067 15 5	" "	" "	" "	5 15 0	275 4 1	950 13 9	1,348 15 1½	46,193 10 0
,107 13 10	4,164 2 10	17 9 7	875 1 6	491 3 10	733 11 9	" "	357 2 10	367 19 10	861 5 2	1,169 18 1	49,718 3 4½
,015 7 8	3,744 0 10	43 18 3	906 10 11	333 5 11	798 6 9	" "	303 17 0	394 17 6	1,335 14 6	1,031 8 4	40,682 15 7

or PAVING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1833.

Annuities.	Salaries.	Tax Refunded.	Poundage.	Watering.	Repayments of Deposits.	Inclosing Ground.	Fountains.	Miscellaneous.	Horses and Forage.	Factory Expenses.	Total.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		£. s. d.	£. s. d.
,200 0 0	4,563 17 8	52 18 11	806 18 6	1,037 11 11	859 1 11	" "	456 14 5	557 15 3	" "	126 15 0	46,788 5 6
,107 13 10	4,590 8 8	40 17 6	891 6 5	1,070 8 4½	811 17 0	" "	279 0 2½	246 5 10	" "	" "	41,461 0 7
998 16 5	4,746 12 5	36 4 0½	861 15 2	712 10 2	726 11 3½	" "	177 19 7	295 13 1	" "	" "	46,268 6 7
830 15 6	4,775 14 4	52 6 7	722 2 6	1,676 19 9	666 10 4½	" "	313 5 3	314 10 0	" "	" "	35,017 4 9
830 15 6	4,783 0 8	56 9 11	831 10 1	1,460 2 3	703 12 11	143 15 1½	931 16 7	419 5 1	" "	" "	41,997 7 5

MUNICIPAL REGULATIONS.

Income.

133. The Income of the Commissioners is receivable from the following sources:—

1. Compositions payable by the corporation of Dublin.
2. The general paving and lighting taxes.
3. The watering tax.
4. Taxes for "private works chargeable."
5. Fines.
6. Sales of scavenging soil.
7. Other sales and miscellaneous receipts.

Compositions by the Corporation of Dublin.

1. Compositions payable by the city of Dublin.

For Paving.

The first of these is the composition for Paving. We have already noticed the Act of 1780, fixing a composition of £50 yearly to be paid by the corporation for the pavements round St. Stephen's Green, and the Act of 1784, fixing the annual sum of £300 sterling out of the revenue of the said city arising by tolls and customs for the annual expense of paving and keeping in repair "certain parts" of the city.

The Acts of 1786 and 1807 (26 Geo. III. c. 61, s. 79; 47 Geo. III. cap. cix. s. 49) recite both the above liabilities of the corporation of Dublin, and charge that body with the two annual sums of £300 and £50; and in consideration of such payments the corporation of Dublin are thereby discharged and exonerated from the expenses of those pavements.

These Acts do not repeat the words of the Act of 1784 relative to the "revenue of the tolls and customs," &c.

About the years 1818 or 1819, the corporation resisted the payment of the various compositions with which the statutes had so charged them; in the latter year an action was brought against them for one year's arrear, but they submitted to that action so far as respected the compositions for pavements, and have since paid the arrear. Of late they have paid the £300 a-year separately, alleging that the commissioners of Stephen's Green (to whom they have made some demise of their property in that Green) are liable to make good the composition of £50 yearly for the pavements there.

For Lighting.

The next composition is that for Lighting. We have referred to the Act of 1786, (26 Geo. III. c. 64, s. 80,) which is followed by the Act of 1807, (s. 50,) fixing the annual sum of £20, to be paid by the treasurer of the city to the treasurer of the commissioners of paving and lighting, in consideration of which the corporation are exonerated from the expenses of lighting and maintaining several globes or lamps at the mansion house, tholsel, and market house.

The corporation of Dublin continue to pay this composition, though not with perfect punctuality.

For Cleansing.

The third composition is for the general Cleansing of the city. It appears by the before-mentioned Acts that the cleansing of the streets and other places of the city had originally, and up to the year 1784, been conducted under the corporation of Dublin, and that the expense had been defrayed by them out of the revenue arising by the tolls and customs of the city, and that, upon an average of 10 years, it appeared the sum of £2,013 had been yearly applied by them for that purpose, and the Acts of 1784, 1786, and 1807, (s. 51,) enacted, that the corporation of Dublin should pay, and continue to pay, to the commissioners of paving, the annual sum of £2,000 out of the revenue of the city, arising out of the tolls and customs of the city, by equal half-yearly payments, on the 25th of March and 29th of September, and, by the Act of 1807, the commissioners were invested with the same powers of recovering this annual sum as are thereby given them for recovering any of the rates or assessments which may be made under its authority.

The corporation of Dublin from time to time, and up to and for the year ended 25th of March 1818, paid the annual sum of £2,000, as well as the sums of £350 and £20. A payment of £650, in the year 1822, appears to have been the last made on account of this demand.

In Easter term 1819, an arrear being due to the commissioners, they commenced an action in the Court of King's Bench, in the name of their secretary, against the treasurer of the corporation, (Alderman Archer,) for the recovery of the arrears of the several compositions then due. The corporation alleged that the annual sum of £2,000 was payable only out of the revenue of the city, "arising from the tolls and customs," and that such revenue was unproductive, and insufficient to pay the whole or any part of the sum of £2,000, and they proposed that the commissioners should accept of the arrear of the annual sums of £20 and £350, without prejudice to any proceedings they should think fit to adopt for the recovery of the arrears of the £2,000 per annum. The commissioners, acceding to the representation as to the tolls and customs of the city being unproductive, accepted this proposition.

In Easter term 1821 they commenced a new action. In this the defendant, besides denying that he owed the arrear of £6,000, then claimed on account of this composition, pleaded specially that, during the three years ended the 25th of March 1821, no revenue arose to the corporation out of the tolls and customs of the city, whereout they could have paid to the commissioners the sum of £6,000; and also another plea, stating that they had not received out of the tolls and customs of the city the sum of £6,000, or any part thereof.

In December 1821 the commissioners filed a bill in the Court of Chancery, setting forth the above facts, and praying a discovery in aid of the action at law. They stated that the tolls were not deficient, as alleged by the corporation; that if they were, such deficiency was occasioned by the misconduct of the corporation; that the corporation had made illegal

MUNICIPAL REGULATIONS.

demands of tolls and customs; that they were in receipt of various market-tolls, &c., and received a customary payment for ships entering the Port of Dublin; and that there were divers ferries and a bridge over the Anna Liffey, for which they received certain payments, &c. The bill also alleged that the corporation had received in every year since 1784, over and above the sum paid to the commissioners, an annual sum of £2,000 at the least, out of which, if there was, at the time of filing the bill, a deficiency in the tolls and customs received within the last three years, the commissioners were entitled to satisfaction of the arrear.

The defendant (by demurrer) objected to the discovery and account of the surplus revenue received by the corporation in every year since 1784 beyond the sums paid to the commissioners, alleging that such surplus was not liable to the payment of the arrears of future years. By his answer, he denied that the corporation had, at any time subsequently to the 25th March 1818, any funds whereout to discharge the arrears of the annual payment of £2,000, inasmuch as the expenses of collecting the tolls and customs had exceeded the receipts; he denied that the deficiency was occasioned by the misconduct of the corporation, and said that, if any illegal practices existed, they were wholly unauthorized by the corporation; that the tolls and customs collected since the 25th March 1818 were the same as existed at the time of the passing of the Act of the 47 Geo. III.; that in 1818 there was a general disposition in Ireland to resist the payment of tolls and customs, and that, since the 25th March 1818, persons who previously paid tolls and customs without opposition, had refused to pay them; that the corporation had been compelled to commence legal proceedings to enforce payment of them, but he did not believe that, if the corporation had acted as in bill stated, the payment of the tolls would not have been evaded; that the corporation and their lessees, from time immemorial, had demanded and received tolls and customs on various articles passing into the city, and before the same were sold, and which articles, with the rates of toll, he set forth in a schedule to his answer; that the £2,000 per annum was payable out of no other revenue, and that the "revenue" mentioned in the Act meant the surplus revenue, if any, arising out of the receipts, after defraying the expenses incurred in the collection; that there were divers markets in the city, but none held by the corporation, and he believed that the corporation had never received any tolls or customs thereout; that for all ships entering the port of Dublin a customary payment was made to the corporation, but he contended that such customary payment was not any part of the revenue arising from tolls and customs contemplated by the Act 47 Geo. III., and thereby rendered liable to the payment of the annual sum of £2,000; that these customary payments had been received since the 25th of March 1818, and had yielded to them some, but not a considerable income, which they applied to their own use, and had not paid over to the commissioners, and he set forth in a schedule the amount of this revenue since the 25th March 1818; he admitted that there were divers ferries in the city over the Anna Liffey, the rent of which belonged to the corporation, but submitted that those rents formed no part of the revenue arising from the tolls and customs of the city; that no separate rent was paid to the corporation in respect of the rent of the bridge; and in the schedule he set forth the sums received by the corporation in respect of the ferries, (including the bridge,) admitting that they had not been applied in payment of the annual sum, but to the use of the corporation. He further stated that the only demise made by the corporation of the tolls and customs mentioned in the Act, since the 25th March 1818, was a demise of the tolls and customs to Alderman John Claudius Beresford, at such rent, for such term, and with such view, as in the answer mentioned, but that nothing had been received in respect of the demise since the 25th March 1818.

The questions raised upon demurrer were argued before the Master of the Rolls, and afterwards, on appeal, before the Lord Chancellor of Ireland, and the House of Lords, and were finally disposed of on the 10th of May 1827, the House overruling the demurrer, and considering that, even admitting that the surplus of former years was not applicable to the payment of arrears of future years, the discovery of the revenues actually received in such years might be material to furnish presumptive evidence upon the trial of the action.

Alderman Archer put in his further answer in the cause, with schedules, on the 19th of February 1828. He died in September 1830, and by his death the proceedings abated.

Alderman James was then appointed treasurer, and a fresh action at law was brought against him in the Court of Exchequer, in which the commissioners claimed 12½ years' arrears of the £2,000 per annum; the defendant put in pleas to the same effect as had been pleaded by the former treasurer, and the plaintiff having demurred to the special pleas, the demurrers were argued in Hilary term 1834, and overruled by the Court of Exchequer, who considered that, upon the true construction of the Act, it was a valid defence to the demand to say, (as the case was presented by one of the pleas,) that "neither during the 12½ years, nor at any time since, had any revenue arisen to the corporation out of the tolls and customs of the city;" or to say (as the other special plea put in) that, "before the commencement of the 12½ years, the revenue of the city mentioned in the Act ceased, and was wholly determined and discontinued, without this, that, during the 12½ years, or at any time since, had the corporation, or any person on their behalf, received any sum of money whatsoever for, out of, or on account of, the said revenue."

The costs of the various proceedings of the commissioners, exclusive of those in the last action, have amounted to £1,609 8*s.* 5*d.* We have not learned that any further proceedings have since been taken by the commissioners in prosecution of their demand.

2. The General Paving and Lighting Tax.

General Paving and Lighting Tax.

The general assessment consists, according to the Acts, of five different rates; three imposed according to certain valuations of the yearly value of the premises rated; a fourth,

MUNICIPAL REGULATIONS.

according to a certain rate, by the square yard of the ground in front; and the fifth, according to a certain rate by the yard, lineal measure, of the premises in front.

The rates assessed according to valuation are imposed upon private buildings situate within the limits, as defined by the Acts. The first of these is a rate, not exceeding in any one year 4*s.* 6*d.* in the pound, of the former currency, upon private buildings, (except the houses, &c., on the east, north, and west sides of Rutland-square, from No. 1 to No. 48, mentioned in the 25 Geo. III. c. 43,) where they are valued at a yearly sum of £10 of the former currency or upwards.

The second is a rate not exceeding 3*s.* 6*d.* in the pound, of the former currency, upon such buildings, where they are valued at a yearly sum less than £10 of the former currency.

The exception made as to the above-mentioned houses in Rutland-square introduces a third rate of this class, which is assessed by a separate deed, in which the tax is abated in a proportion below the first rate, with the view of giving to the inhabitants of those houses an exemption corresponding with that intended by the 25 Geo. III. c. 43. When the first rate is at the maximum of 4*s.* 6*d.* in the pound, the Rutland-square rate, for paving and cleaning only, is assessed at 3*s.* (late currency) in the pound.

These assessments are imposed according to valuations of several descriptions:

1st. As the buildings at the time of the assessment shall be rated or valued for the collection of ministers' money; or,—if not valued for ministers' money,—

2dly. As the same shall then be rated or valued for the collection of watch money; or,—if not valued for ministers' or watch money,—

3dly. As the same shall then be rated or valued for the support of the Workhouse and Foundling Hospital; or,—if not valued for any of the said purposes,—then,

4thly. As the same shall have been valued by virtue of the 26 Geo. III. c. 61, or any former Act in that Act in that respect referred to; or,—

5thly. As the same shall have been valued under the 47 Geo. III. cap. cix. and 54 Geo. III. cap. ccxxi.

The Act referred to in the 26 Geo. III. c. 57 (ss. 52, 53) appears to be the 23, 24 Geo. III. c. 57 (ss. 22, 23, 24, 25, &c.,) which again refers to the 13, 14 Geo. III. c. 22, and gives a mode of assessment where no valuation for watch money, or as thereinbefore mentioned, had been made.

The 13, 14 Geo. III. (ss. 37, 38) directed that the rates should be made in the proportion of the rates then made towards the support of the watch.

The 23, 24 Geo. III. (s. 25) directed, that five of the commissioners (thereunder) should appoint four persons "to value the rent which the houses were worth, if let to a solvent tenant."

The 26th Geo. III. (ss. 58, 59) directed, that the commissioners (thereunder) should nominate three persons conversant in building "to value according to the mode which had been usually pursued in valuing houses for ministers' and Foundling Hospital money, and not to the utmost rent they might be let for; provided, that none should be valued to a greater extent than they then might be valued at for ministers' money." This has been followed by the 47 Geo. III. (s. 38) and 54 Geo. III. (s. 3) in similar terms.

Under these various codes, some premises have been valued at remote periods, others recently; some with a limit to the valuation, others without any. The modes of estimating, too, have been various, and the old valuations are adopted without reference to subsequent depreciation or increase in value, and in no case open to alteration or amendment.

These assessments (on private buildings) are objected to, generally, on account of their very unequal pressure, resulting from the nature of the valuations on which they are founded.

It is not necessary in this place to dwell upon the impropriety of regulating the taxation by the valuation for ministers' money.

That standard was in principle condemned by the legislature,—in the Act 5 Geo. IV., loc. and pers., cap. cxviii., "for the new valuation of the houses in Dublin, and for the more equal payment of the local taxes,"—which adopted the report of a committee of the House of Commons, in 1822, appointed to inquire into the subject. The committee, by that report, found,—

"That the valuation for ministers' money was in a great majority of cases made at very remote periods of time;

"That the houses so valued have in a variety of cases become very much depreciated in actual value, so as to be no longer able to contribute to the local taxation of the city according to such original valuation, and that the valuation for ministers' money of the houses more recently built within the city of Dublin is liable to much abuse;

"And that these evils were the more pressing, there not having been (as the report finds) any power by which, according to law, a valuation of any of the houses for ministers' money, when once made, could be altered or amended without the authority of Parliament."

The Lord Lieutenant was, therefore, (on the recommendation of the committee,) empowered to appoint three commissioners for a new valuation, and several provisions were made for carrying the measure into effect, including the reconsideration of their valuation by the commissioners in case of complaint. The commissioners (s. 18) were commanded to make their report (in the manner thereby directed) to the Lord Lieutenant, to be by him laid before his Majesty and both Houses of Parliament, "so that from and upon such report Parliament may be enabled to make due provision for the assessing of the local taxes payable by the occupiers of all such houses, according to the respective annual value of such houses, and as justice shall require."

The Act was passed on the 17th June 1824. The commissioners presented their report on the 18th June 1830, and it was laid before Parliament, but nothing has since been done upon it.

MUNICIPAL REGULATIONS.

The new valuation made by the commissioners will be noticed in a subsequent part of this Report.

With respect to the description of houses included within the general paving and lighting assessment, a complaint was made to us respecting the rating of certain portions of "the Commercial Buildings" under the following circumstances:—The premises have one front to College Green, which is rated to ministers' money, as one house, at £60 per annum, and another front to Cope-street, which is so rated, as two houses, each at £20 per annum. There are, besides, six buildings, used as mercantile offices, the hall doors of which open into an interior court, through which a thoroughfare on foot is allowed by day, but by night the doors at each end are closed. These six buildings are assessed separately to ministers' money at £20 per annum each, and the commissioners of paving conceive they are not authorized to exempt any part so valued; but, neither the paving nor lighting of the interior court being performed by the commissioners, the occupiers considered themselves aggrieved in being compelled to pay the tax.

Rate by square measure.

The next rate contemplated by the Acts is a rate upon public buildings (except those used as charitable establishments, for the purposes of religious worship, &c.) within the limits of the jurisdiction of the commissioners, and within the extent of the pavements, shingling or gravelling, and the public lights, not exceeding 1*s.* (of the late currency) by the year for every square yard of the ground fronting to or on the side of such buildings, between them, or the ground belonging to them, and the centre of the street, &c.; or, at any quay, dock, square, or street built upon one side only, then, according to the number of square yards between each building, and the enclosure of such quay, &c.

The commissioners have used a discretionary power of assessing certain premises at a lower rate by the square yard than others.

Rate by linear measure.

The fifth is a rate upon all other such warehouses, stables, and out-offices, not liable to be rated or assessed to ministers' money, and all dead walls and void spaces of ground adjoining any street, &c., within the limits, save as aforesaid, not exceeding the rate of 3*s.* (of the late currency) for every yard lineal measure of such warehouse, &c., along the side of such street, &c., at such respective rate or rates as to the commissioners in their discretion shall seem proper.

The commissioners have availed themselves of this discretionary authority to divide this rate into two—the one upon warehouses, coachhouses, stables, and out-offices, generally, in the terms of the Act; the other upon certain dead walls and void spaces of ground, the rates and sums of money mentioned in a schedule annexed to their deed of assessment.

This mode of varying the rate by way of lineal measure in respect of each particular holding was first adopted in 1829, one of the commissioners visiting the respective premises, and from personal observation and consideration of the circumstances fixing what he deemed an equitable rate upon each. There has not been a similar inspection since 1829. But alterations have been made, in which the commissioners are guided by the alteration in value of the premises from time to time.

They are not at all influenced by any consideration as to the advantage the particular owner may derive from the expenditure of the tax on the street or lane; nor have they at all applied their discretionary powers to the modification of the tax upon warehouses, coachhouses, stables, and out-offices, nor considered the propriety of reducing the rate affecting such premises.

The owners of such premises complain particularly of this rate, and in some cases have resisted the levy. One ground of complaint made is, that such out-offices are actually included in the valuation of the principal premises or dwelling-house to ministers' money, and that, consequently, the parties are thus twice rated to this tax for the same matter. Another general ground of complaint is, that in the lanes, &c., where such out-offices are situate, no portion of the tax has been expended, for years together, in any improvement benefiting the occupiers.

Practice of the Commissioners in imposing the Rates.

In imposing the tax, the commissioners first come to resolutions declaratory of the rates they purpose to levy for the ensuing year, and afterwards execute a deed of assessment, pursuing the general terms of the Act 54 Geo. III., and containing no specification of the amount assessed upon particular premises, except in the instances where they use the discretionary powers above described. We have been furnished with a copy of the deed of assessment for the year commencing the 5th of January 1833, which bears date the 10th of that month. In every instance this deed restricts the assessments to premises "within the extent of the pavements, shingling or gravelling, and the public lights." The commissioners consider that they ought not to assess any premises beyond that extent, and that they must *both* "pave, shingle or gravel" the highway, *and* "erect public lights" there, in order to authorize the tax; but they do not seem to apply this principle to the lanes, &c., within the city to which those advantages are not extended.

In one instance, the deed of assessment (for the year commencing the 5th January 1833) imposed a rate of 2*s.* 1¾*d.* in the pound only on the 48 houses in Rutland Square; but the order of the Board had been for 2*s.* 9¼*d.* in the pound, and the actual assessment was made out and levied accordingly.

Applotting.

The business of Applotting the particular sums of money on the respective premises is left altogether to a subordinate officer, (the inspector of taxes,) who collects information, as he can, as to the valuations made, and calculates on them, and upon measurements, where measurement, square or linear, is made the ground of charge, the particular amounts to be paid.

Deductions and Exemptions.

The assessments are subject to Deductions (47 Geo. III. s. 45) in cases of tenements empty or untenanted for the space of not less than six months in any one year, in which case one-half only of the rates is payable; and no house or other place is chargeable for any of the rates for more than two years' taxes at one time.

Deductions are made from the assessment under two other heads, also; the one for

MUNICIPAL REGULATIONS.

"items erroneously charged and discontinued," and the other for "tax discontinued for want of legal means of recovery." The 54 Geo. III. exempts (s. 5) "any prison, sessions-house, or bridge," and "any house or building whatsoever, so long as the same shall be used only as a charitable establishment, or for the purposes of religious worship," and (s. 6) "any sufficiently fenced or enclosed lot or plot of ground, being laid out for the purpose of building houses thereon in front to any street or public passage, and which lot or plot has not any building erected thereon, but is actually in waste and out of use or profit."

We send with this Report a return, for the year 1832, of the items discontinued for want o. legal means of recovery; the following are among the grounds of exemption:—

Houses.	Stables, Walls, Yards, &c.
"Alms-house."	"New Chapel and Rail-road."
"Hospital."	"Not in a thoroughfare."
"Nunnery."	"No recovery."
"Charity-school."	"No entrance."
"Down." "Dispensary."	"Passage closed up."
"Ruins."	"Not admitted."
"Waste."	"One concern with No. 30."
"Unfinished."	"Appurtenant."
"Building-ground."	"Waste."
"New and unfinished."	"Building-ground."
"New and unset."	"Built on."
"Not valued."	"Two houses built on this yard."
"No. 109, part of No. 110."	"Valued for Watch-tax."
"Rebuilt. To value."	"New Houses valued for Watch-tax."
"Now part of Tan-yard."	"To value."
"Error in collection."	"Houses now valued."
	"Carrier-yard."
	"Erroneous."

In the same return are the items discontinued in that year "from errors in charge;" among the ground of discontinuance, we find,

"Watch valuation."
"Already valued."
"Error in valuation."
"Error in measurement."
"Error."
"Down."
"Down, and to value."
"Reduced."
"Charge reduced."

Collection.

The Collection of the tax is much more efficient now than under the commissioners who formed the Board up to 1827. The amounts returned as "insolvent arrears" were formerly seldom less than £7,000; but they now seldom exceed £3,000. Every case of application for exemption from tax, whether on the ground of insolvency or on any other ground, undergoes investigation, before an order for exemption is made by the Board; the inspector of taxes makes personal inspection for the purpose of verifying the collector's returns of arrears; and at the close of every year a particular inquiry is instituted by one of the commissioners as to the uncollected arrears of the year but one before; and when negligence can be established against the collectors, they are charged with the amount lost by their default. In a recent instance a collector was charged with a sum of £45 12*s.* 6*d.*, which, in the opinion of the board, might have been collected by him if he had used due diligence.

Watering Tax.

3. The Watering Tax.

The watering-tax is a separate rate assessed under the 54 Geo. III., which provides (s. 21) that every public building, dwelling-house, messuage, or tenement, dead walls, and void spaces of ground, in any street or public passage, "the majority of the householders or persons liable to pay the public taxes of which may make application in writing to the said commissioners to have the same watered," shall pay to the commissioners a tax, to be rated on all such buildings, &c. in proportion to their extent in front to such street, for the purpose of watering the same, at a rate not exceeding 7*d.* by the foot, running measure, in a street built on both sides, and in a street built on one side only not exceeding 1*s.* by the foot, "to be applied to watering such street or public passage."

Under this authority the commissioners make an assessment annually, about the month of August. On receiving requisitions signed by a majority of the inhabitants of a street, &c. they send a person round to ascertain the authenticity of the signatures; and, afterwards, they include the whole in one deed of assessment, in which the streets, &c. built upon both sides are first enumerated and assessed at a certain rate per foot, and, next, those built on one side only. The rate in 1833 was 3*d.* per foot on the former and 6*d.* on the latter. The deed does not contain the specific items charged on each tenement or occupier; which is left, as in the general assessment, to the ascertainment of a subordinate officer.

Special Assessments.

4. Taxes for "Private Works Chargeable."

Special Assessments for several new works are also made, under the heads of "Sewers," "Paving," "Flagging," and "Enclosing waste ground," and are usually classed together under the denomination of "Private works chargeable," being charged upon particular proprietors only.

The Acts provide that the commissioners, giving notice, may call upon the proprietors of premises to "compound" with them for such works; and in case the composition shall not be made, or the notice shall not be attended to, the commissioners are empowered to execute the works and to defray the costs thereof out of the funds arising under the Acts; and in default of repayment, the same shall remain a charge on the premises liable, into whose hands soever they may come, and be recoverable from the proprietor or occupier when the same shall be inhabited.

It is enacted, that the expenses of making, enlarging, repairing, or cleansing of sewers, in any street, shall be assessed upon all buildings, public or private, dead walls and void spaces, in such street, according to the extent of them in front, lineal measure; and premises benefited by means of a cross drain leading into a main sewer, are likewise made liable, provided that the whole sum assessed for any new sewer shall not exceed £18 by the perch, and that the whole of any such sums to be assessed shall not exceed the sums actually expended by the commissioners.

The other assessments only arise where the footways have not yet been flagged, or the carriage ways paved or shingled by the owners or proprietors thereof, or such void spaces, or building plots, not being sufficiently fenced or enclosed.

The commissioners state that they have felt embarrassed as to the construction to be put on the clauses directing that the proprietors should compound with them for such works. In practice they consider it merely as requiring a notice to the parties to apprize them of the intentions of the Board, and the charges they will have to meet.

The usual course is merely this: the commissioners have an estimate of the expense of the work prepared by one of their officers; and, having given notice to the parties liable, submit it to the inspection of such of them as may attend. They do not enter into a treaty of any kind with the parties as to the execution of the work.

In the case of making new sewers, they now advertise for proposals, and enter into contracts with the lowest bidder. In all other cases they execute the work by their own workmen.

The account of the disbursements on account of each particular "work chargeable," is not kept separately. They are brought under general heads of expenditure; and, consequently, when the assessment is to be made, much seems to be left to an arbitrary calculation.

Thus, for making sewers in Mayor Street and Commons Street, a contract was entered into for £442 17*s.* 7*d.* for 63 perches 13 feet at £6 18*s.* 10*d.* per perch of 16½ feet in the former, and for £120 5*s.* 8*d.* for 16 perches 3 feet at £7 8*s.* 6*d.* per perch in the latter, making £563 3*s.* 3*d.* The actual amount assessed was £587 4*s.* 4½*d.*, viz. on Mayor Street for 2,035½ feet, at 4*s.* 6½*d.*, £462 4*s.* 4½*d.*; on Commons Street for 500 feet, at 5*s.*, £125.

Some allowances were made to the contractor beyond the amount of his contract, and the commissioners added a charge for their own overseer at 4*s.* 4*d.* a-day, apportioned on each work; these, and the sums paid under the contract, amounted on Mayor Street to £463 10*s.* 5*d.*, and on Commons Street to £125 2*s.* 10*d.*

Again, for deepening the main sewer in Lower Gardiner Street, the officer estimated the probable expense of the work at £162 2*s.* 8*d.*, viz. for 800 f. 5 i. at 2*s.* per foot. The actual expenses were returned at £159 14*s.* 7*d.*, exclusively of the overseer's wages, which being added, the amount would have exceeded the estimate; and the amount of the estimate only was assessed.

Again, for paving in Harmony Row and Erne Street, where the pavement had been in part made before, and some of the proprietors, consequently, were not liable, a sum of £40 13*s.* 7*d.* was assessed. The entire street was re-formed upon the occasion, and the assessment upon those considered liable was made up in the following manner: each proprietor was charged for so many feet of black curb-stone at 7*d.* per foot; for so many square yards of paving at 1*s.* 2*d.* per yard; and for so many square yards for forming and shingling at 3¾*d.* per yard.

The commissioners pay for black curb-stone only 4*d.* per foot; and the additional 3*d.* was a mere estimated sum for carriage, and labour in setting it. The other charges were made up in like manner.

Deeds imposing these assessments are not, it appears, regularly executed; and nothing appears to have been done in the instances here noticed beyond the entries made by the officer in a book, entitled, "Assessments for Works chargeable."

The general fund of the commissioners usually sustains a loss under these assessments. In some cases the parties are insolvent and unable to repay the expense, and where there are charitable institutions, or other premises exempt by law, the relative proportions in respect of them cannot be assessed on proprietors of the other premises in the street.

The Commissioners who inquired into the management of this Board in 1825-26, recommended that the assessment for sewers should become a general tax on all the inhabitants: at present these local assessments press, occasionally, with severity on the owners of particular premises; and if an adequate control over the expenditure were vested in the rate payers of the city, it appears to us that the suggestion might be extended to the removal of all the special charges upon the inhabitants of particular streets.

Fines, Sales of scavenging Soil, and Miscellaneous Receipts.

The commissioners derive an income also from some miscellaneous sources, as Fines for nuisances, the Sale of scavenging Manure, &c. The value of the scavenging manure is considered to have been much depreciated since shingling was substituted for paving, which it has been, very generally, since the year 1830.

The collection of fines was suspended about three months before our Inquiry, in consequence of the irregular proceedings relative to the office of secretary, hereinafter noticed, which were considered to have affected the jurisdiction of the commissioners to levy them.

Considerable sums are annually paid in to the commissioners as deposits.

MUNICIPAL REGULATIONS.

The occasions for making such deposits are, upon licences being granted for the making or cleansing of private sewers, for setting area grates, and the like; erecting palings for buildings, and for new flagging before particular houses. The officer makes an estimate on each occasion of the probable expense, and repayments are made for the excesses of estimates, the amounts of which are required to be deposited, over the actual expense.

Expenditure.

134. The Expenditure of the Commissioners may be divided into two principal heads; viz. the Expenditure on their establishment, and their Expenditure on their works.

Establishment.

The expenditure on their Establishment consists of

1. Annuities.
2. Salaries and allowances.
3. Incidental expenses.

Annuities.

The Act of 1807 provided certain Annuities for the Board of Commissioners, then superseded, and their staff of officers; and it was enacted, "that those yearly sums shall cease and determine, and be no longer paid or payable to any of the said commissioners, or other officers who, at any time, after the passing of this Act, shall be appointed to any office or employment under this Act, or to any other office or employment under his Majesty's Government, the annual salary and profits of which shall not be less than the annual sums by this Act directed to be paid to such commissioners and officers respectively;" and in case they should be less, then it was provided, that only so much of the sums payable under the Act should cease as should be equal to such salary and profits.

In no instance has any one of those annuitants been appointed to office or employment under the Act. Some of them had served for very short periods. In a single instance one of them was appointed to an employment under Government. The results as to the amount of tax levied upon the citizens under this clause, and still leviable, appear by the following table:—

Name.	Former Office.	Had served in Office	Annual Charge provided by the Act.	Charge Ceased	Total Payments to January 1834.	Annual Charge still subsisting.
			£		£	£
Hugh Henry Mitchell	Senior Commissioner.	20 years	300	On death, 2nd April 1830.	6,600	
Robert Alexander, jun.	Commissioner.	12 years	200		5,200	200
Richard Cane	Commissioner.	7 years 7 months	200	On appointment under Government, 22nd February 1824.	3,300	
William John Alexander	Commissioner.	7 years 4 months	200		5,200	200
Joseph Mason Ormsby	Commissioner.	3 years 9 months	200	On death, 20th Aug. 1820.	2,600	
Stephen Ormsby	Commissioner.	8 years 6 months	200		5,200	200
Sir William Jackson Homan, Bart.	Secretary	8 years 9 months	200		5,200	200
Henry Gore Sankey	Treasurer	22 years 3 months	150	On death, 22nd Aug. 1821.	2,100	
Samuel Greene	Inspector of Accounts	16 years 6 months	100		2,600	100
Total			1,750	Total	38,000	900

Thus a sum of £38,000 in actual payments, and a continuing charge of £900 a-year, have been incurred for persons, few, if any, of whom had any sort of claim; who, if fit for official duty, ought to have been appointed to perform it; if unfit, ought not to have been pensioned upon the citizens.

Salaries.

With regard to Salaries:

We have to observe that in no instance has any saving been effected in the amount of salaries specified in the Act: the maximum, or sum, which the salary is "not to exceed," has always been adopted as the standard.

Of Officers to be appointed by the Lord Lieutenant.

This applies to all the Officers, who are in the Appointment of the Lord Lieutenant, including the Commissioners themselves.

The Act directs (47 Geo. III. s. 11,) that there shall be paid, out of the funds thereby arising, such yearly salary as the Lord Lieutenant shall direct, viz.

	£	s.	d.
To the first, or senior Commissioner, not exceeding	600	0	0
To each of the other Commissioners - - - - } Not exceeding £500 - - - - - - }	500	0	0
	500	0	0
	£1,600	0	0

The 14th section gives to the Lord Lieutenant power to appoint and remove at will the following officers:

	At a yearly salary not exceeding £	s.	d.
1. The Supervisor of Works for the north side of the river Liffey - - - - - - -	400	0	0
2. Ditto south ditto - - - - - - -	400	0	0
3. The Secretary; the salary of this officer was increased by the 54 Geo. III. from a sum not exceeding £200 to a sum not exceeding - -	300	0	0
4. The Treasurer (who shall also be accountant and comptroller of the taxes) - - - - -	500	0	0
	£1,600	0	0

MUNICIPAL REGULATIONS.

The total annual charge on the inhabitants, thus placed in the power of the Lord Lieutenant, amounts to the sum of £3,200; and that amount has regularly been levied in every year since the passing of the Acts, except where officers were under suspension.

One of the officers, Mr. George Taylor, supervisor of the south side, was under suspension for four years.

During this period the business of the office of supervisor for the whole city was performed by a single supervisor, with an assistant for each side of the city. As no practical inconvenience was found to result from that arrangement, it seems the salary of one of those officers might now be spared to the public.

A serious misapplication of the funds has prevailed with respect to the salaries of the offices of secretary and treasurer.

The Commissioners of Inquiry of 1826 reported Mr. William Little, the then secretary, to be a gentleman "much advanced in age, and unequal to give any laborious attention to the business of the office;" they also reported the incapacity and highly culpable irregularities of Mr. Simon Brigley, the clerk in the secretary's office.

They discovered many abuses in the treasurer's department, upon which the then treasurer, Mr. James Hendrick, on the 5th January 1826, resigned his office. On the 7th the Commissioners of Paving reported his resignation to Mr. Secretary Goulburn, and that, as the business of the Board could not proceed without the active duties of treasurer, they had appointed Mr. John Reily, of their establishment, to act until the pleasure of the Lord Lieutenant as to the appointment of a treasurer should be reported to them. On the 12th Mr. Goulburn wrote in reply, "that his Excellency approved of the temporary arrangement they had made for the discharge of the duties of the office."

On the 5th of February 1827, Mr. Goulburn addressed the Commissioners of Paving, acquainting them of the removal of Major Taylor from the office of commissioner, "that Mr. Little's age and infirmities appeared to render him unfit for the situation of secretary, and that therefore the Lord Lieutenant had been pleased to direct Mr. Reily to take upon him the duties of that office until the final arrangement should be made with respect to the Board of Commissioners:" and on the same day Mr. Reily was also informed by letter as follows: "The Lord Lieutenant has had under his consideration the report of Mr. Hall and Mr. Freeman, appointed by him to inquire into the affairs of the Paving Board: the result of the examination of that Report, and of the evidence annexed to it, has been to satisfy his Excellency of the propriety of your conduct in the situation which you filled under the Board, and of the useful assistance which you rendered to the gentlemen appointed to inquire into its proceedings. With a view to mark his Excellency's approbation of your conduct, he has given directions to the Board to appoint you to act as their secretary."

On the 8th the Board ordered, that the foregoing commands of the Lord Lieutenant should be carried into effect.

These proceedings, were not, in form, in compliance with the Act, which required the Lord Lieutenant to appoint or remove those officers "by writing under hand and seal," and to direct the yearly sums to be paid to them "by warrant under hand and seal." In substance, the provisions of the Act have been still more widely departed from. Mr. Reily has performed the duties of secretary, but has been in regular receipt of the salary of treasurer, —which salary he never was authorized to receive,—exceeding the salary of secretary by £200 a-year. Mr. Little has not, from 1827 to the present time, done any duty, and has received the salary of secretary, and other emoluments besides.

The duties of treasurer (though Mr. Reily preserves a superintendence, which we view as little more than nominal) have actually been performed by the chief clerk in the treasurer's office, who has a salary of £90 per annum.

Additional allowances have been made to Mr. Little, and appear not only unmerited by service, but in every view unwarrantable, the statutes having enacted that the sums to be paid to the officers should not exceed the amounts therein specified.

For these irregularities the commissioners contend that they are not responsible.

In a letter to Lord Francis Levison Gower, (chief secretary,) dated the 27th July 1829, they stated, that "in a verbal communication which the three Commissioners had with Government, it was understood that Mr. Little should be paid his salary until the passing of the bill had provided a retired allowance for him; and he has been paid accordingly and supplied with his usual allowance of fuel and candles up to this time:" and in December 1827, Mr. Reily having been put in possession of the apartments in the paving house, before occupied by Mr. Little, they added, "Under these circumstances Mr. Little was obliged to obtain another residence, the rent of which, amounting to £37 10*s.* per annum, we have paid, with the verbal sanction of Mr. Lamb, the chief secretary of Ireland, who directed that Mr. Little should enjoy all the emoluments he was previously entitled to, until the new Act should provide otherwise."

They then say that the public had not suffered any loss, as Mr. Reily (who was getting £500 a-year, instead of £300 a-year) had not partaken of any part of the emoluments of secretary, and had acted gratuitously since his appointment; and they request the sanction of Government to the payments theretofore made to Mr. Little, and submit the question of their continuance.

On the 10th of August following, Lord Francis Levison Gower signified the Lord Lieutenant's "approbation of the payments theretofore made to Mr. Little, and upon his account, and of their being continued until further directions."

The commissioners have (and say they have frequently) called the attention of Government to the embarrassments arising from the want of legal appointments in their officers,

MUNICIPAL REGULATIONS.

but no remedy has been applied. Among other things, it is directed by the 23d section of the 47 Geo. III. that summonses in certain cases should be signed by the secretary; and the commissioners have been advised that there is a serious doubt, whether proceedings for penalties, grounded upon summonses to appear before the commissioners, are valid, from the want of the signature of a duly appointed secretary. The expedient has been proposed, that Mr. Little (who resides in Sligo) should sign the summonses; but the true remedy of making a *bona fide* appointment, (by which £500 a-year might be saved to the public,) has not been at all suggested.

An allowance has also been made to Mr. Brigley, in justification of which the commissioners adduce a letter of Mr. Gregory, (under secretary) addressed to them on the 23d November 1830, in which he says "with reference to your Report of the 15th instant, I am to acquaint you by the Lord Lieutenant's desire, that his Grace, upon consideration of Mr. Brigley's long services, and the law not authorizing the granting him a superannuation allowance, is pleased to approve of your paying to him out of your funds a gratuity of £200, and in quarterly payments, as you propose."

The commissioners immediately ordered the first instalment, and have since paid the entire. It is not easy to appreciate the distinction taken here between what the law would not authorize, and what the Lord Lieutenant did authorize; the gratuity and the superannuation allowance appear equally objectionable.

The sums already paid under these proceedings, amount as follows:

	£	s.	d.
1. Excess of £200 a-year, paid to Mr. Reily as acting treasurer, when in reality he was acting secretary, seven years from 1827 to 1834	1,400	0	0
2. Salary of £300 a-year Irish paid to Mr. Little, who did not perform any duty, ditto	2,100	0	0
	£3,500	0	0
Present currency	3,230	15	4½
3. Allowances to Mr. Little beyond his salary	240	12	6
4. Allowance to Mr. Brigley	200	0	0
Total	£3,671	7	10½

The Commissioners of Inquiry who reported in 1826, proposed "that the office of treasurer should be abolished altogether, and a person appointed merely for the receipt and payment of money, called the pay clerk." On the supposal of an Act of Parliament being necessary, or of a bill having been brought in for the purpose, no change has since been made; but it is obvious, that the recommendation could have been effected simply by appointing the clerk who does the business of pay clerk, to be the treasurer, and at his existing salary.

Of Officers to be appointed by the Commissioners.

We next come to those Officers and servants who are in the Appointment of the commissioners; they are,

1. The collectors.
2. Other officers or servants.

1. As to the collectors, it is provided that the commissioners may appoint not less than four, nor more than eight, for collecting the taxes thereby imposed, and pay them such sum or sums of money as the said commissioners shall think proper, "not exceeding at the rate of 6*d.* in the pound on the sums which shall be collected by such collectors respectively under the authority of this Act, as and for their full salary and remuneration for the business of their said offices respectively."

The commissioners have observed this clause so far as related to the collectors' poundage upon the general paving and lighting assessment; but on the other assessments, viz. those for watering, for sewers, and other "works chargeable," we found a shilling in the pound had been uniformly allowed; separate collectors also, over and above the eight collectors of the general tax, were occasionally appointed.

The commissioners, on our pointing out this overcharge, took steps to prevent its recurrence in future.

The commissioners are further restricted as to the remuneration of their other officers and servants by the 47 Geo. III., whereby it is provided that they "shall and may pay to such other officer or officers, servant or servants, so appointed or to be appointed by them, or to such other person or persons, not being an officer or officers, servant or servants, of the said corporation, who shall be aiding or assisting in and about the execution of any part of this Act, such reasonable salary or salaries, allowance or allowances, in consideration of such their office or assistance, as the said commissioners shall judge reasonable, *not exceeding in the whole the sum of* £2,500 *in any one year.*"

Although an apparent compliance with this proviso is maintained, yet, under the construction of it adopted by the commissioners (and for which, upon statements made by themselves, they have obtained some very eminent legal sanction,) it has failed to effect that restraint upon their acts for which we conceive it was intended.

In the year 1810, the excess of salaries and allowances to officers beyond the limit appointed by the Act was found to amount to £1,921 12*s.* 3*d.*, and an objection to allowing the account was made by the Commissioners of Imprest Accounts.

The Commissioners of Paving thereupon stated a case for the opinion of the Attorney

General (Mr. Saurin.) They divided the officers in question into five classes described as below, and obtained the following opinions upon them.

No. 1. Statement.—"Officers employed under the Commissioners for Paving, &c. who superintend only, and do not work with their hands,—of which those officers who superintend the granite pavement, and the making of sewers,—are not considered by them as coming within the meaning of the Act limiting the salaries to £2,500 a-year, and likewise those employed as informers of nuisances, as you will find in sect. 124 of said Act, that the Commissioners for Paving, &c. are authorized to pay them out of the fines on nuisances."

Opinion.—"In the return, No. 1, are included persons employed as informers of nuisances, "and persons employed for the purposes of granite pavement and sewers. It does not seem to "me that either of the descriptions fall within the 15th sect. of the Act. As to the former a "particular fund is provided for their payment by the Act. The latter, as I conceive, are hired "by the corporation, as a master mason or a master carpenter would be, in case any work in "the line of their trades should require to be executed on behalf of the corporation; and though "they would direct, and superintend, and employ others to execute the manual labour of the work, "it would not follow that they were to be considered as officers or servants of the corporation, "any more than such persons would be servants of any other person who should employ them; "and if this shall appear to the Commissioners of Imprest Accounts to be the fact as to these "persons employed about the granite pavement and the sewers, I think they should not "consider the payment to them as falling within the restriction of the £2,500 mentioned in "the 15th section of the Act of Parliament."

With respect to the inspectors of nuisances this opinion seems erroneous in assuming, from the statement, that "a particular fund is provided for their payment by the Act."

By the 124th section, where the disposal of penalties is not particularly directed, the commissioners may, if they think proper, order the whole of said penalty, or any part thereof, to be paid to the informer; so that the fines for nuisances do not form any peculiar fund for payment of the inspectors' salaries. The 15th section, which imposes the limitation, makes no distinction as to the fund from which the officers' salaries are to be drawn; the 124th section styles the inspector of nuisances an "officer;" and the salaries of the inspectors seem, thus, to fall directly within the restrictive provision of the Act. But even if there were any foundation for holding that sums of money beyond the legal limit might be paid to the inspectors of nuisances out of the fines on nuisances, the fact fails to support the argument. There is no special allocation of the penalties. The whole amount levied is paid into the general fund; it falls far short of the salaries of the inspectors; and besides, sundry sums, on account of nuisances, are paid to various other persons.

Thus, in the year ended 5th January 1833, the facts stood thus:

	£.	s.	d.	£.	s.	d.
Paid to inspectors of nuisances -	353	15	6			
To sundries - - - -	35	0	4½	388	15	10½
Received by fines for nuisances -	-	-	-	122	4	4½
Leaving a deficiency of - - - - -				£266	11	6

The sum of £35 0*s*. 4½*d*. is composed, for the most part, of daily payments to certain individuals "for assisting inspectors of nuisances," and, therefore, it seems even questionable whether the greater part of the payments composing this £35 0*s*. 4½*d*. should not be included within the restrictive clause.

With respect to the officers superintending pavement and sewers, we conceive, that the question is closed the moment it is admitted that they "superintend only, and do not work with their hands;" and that they must be held as falling within the terms of the restrictive clause. The Act (sections 15 and 53) has drawn the distinction between "artificers, workmen, labourers, &c." who do work with their hands, and such officers.

No. 2. Statement.—"Persons who have been employed as foremen of bodies, or squads of paviours, and other workmen, commonly denominated overseers, but who work with their hands, and who are only the best labourers of their squads."

No. 3. Statement.—"Persons who have been employed as foremen of squads of scavengers, and likewise work with their hands."

No. 4. Statement.—"Persons who have been employed as sundries, and not deemed officers or servants."

Opinion.—"I am of opinion that the persons named in the Return, No. 2, are not to "be considered as falling within the meaning of the 15th clause of the Act. No doubt every "person hired to pave, or as a scavenger, may be said to assist in carrying the purposes of the "Act into execution; and yet, it is plain that such persons are not servants within the "scope of the clause; and, if not, although some of that description, being hired by the corporation to do its work, are used to lead and guide the rest as being better workmen, or more "confided in, that does not make them officers, or servants, of the corporation, or part of the "paving establishment; but they are to be considered, however paid or employed, as hired by "the corporation to do its work, and not as forming any part of the establishment.

"In like manner, and for the same reasons, the persons in No. 3 must, I conceive, be so "considered, not as servants of the corporation, but as persons with whom the corporation "does, and must, contract to execute the works of which it has the direction.

"The persons in No. 4, I apprehend, will be found to fall under the same destination, but "the return, as to them, is not so explicit."

MUNICIPAL REGULATIONS.

We are not satisfied that the statement, that the abovementioned officers "work with their hands," is supported by the fact; and where it is not, we cannot concur in the conclusion that they are not persons within the scope of the clause.

No. 5. Statement.—"Persons who have been employed at lighting, and as the lighting had formerly been managed under a contract, they consider the lighting not to come within the meaning of the Act, as it is a part of what was included in the contract formerly."

Opinion.—"The persons in No. 5 would seem to me to be within the scope and meaning "of the 15th clause of the Act, and really to be officers of the corporation to superintend one "branch of the business submitted to its direction; and I confess I do not consider the reason "assigned by the commissioners, why they should not be so considered, as satisfactory."

Notwithstanding this opinion, and although the lighting is again done by contract, we find the salary of the inspector of lighting now charged, not as a salary, but under the head of "lighting."

Under the head of "scavenging," we find payments accounted for to "overseers of scavenging," £637 16*s.*; this includes not merely the salaries of the overseers of the parties cleansing the streets, but also of the overseers of depôts for manure.

The commissioners maintain that every one of the officers employed by them is absolutely necessary to the working of their establishment, and the due execution of their trusts. At the same time they admit that with this establishment they could despatch double the quantity of business.

In fact the present establishment of the Paving Board is adequate, with the addition of a few clerks, to regulate the affairs of all the local taxes, if consolidated under the same management.

The business appears to be well performed, but manifestly at an expense out of proportion to the whole levy. The official payments formed upwards of 20 per cent. of the levy for the year ended 5th January 1833.

The construction of the Act thus adopted and acted on, in effect, frees the commissioners from all restraint; they have not spared in making their establishment numerous and complete; but were the commissioners to act within the strictest limit of the law, we should still confidently rely upon their securing to the public a perfectly effective and well regulated despatch of the public business.

When occasions have arisen for remodeling particular departments of their establishment new appointments have been made, but the officers whose duties have, in effect, been superseded, instead of being at once dispensed with as unnecessary, have been suffered to continue on the establishment, generally until some charge has been made against them, upon which they have been dismissed.

The present internal establishment consists of the following officers:

The acting secretary and four clerks - - - - -	5
A chief (or pay) clerk, and two other clerks in the treasurer's office - - - - - - - - - - -	3
A book-keeper and two clerks in his office - - -	3
An inspector of taxes and one clerk in his office - -	2
	13

In May 1827, the Commissioners had instituted an office of superintendent of stores for more effectually controlling persons having charge of materials and all other property, and appointed Mr. John Hitchcock to this office at a salary of £130 a-year.

In December 1827, they resolved to establish the office of book-keeper, considering that an improved and more comprehensive system of accounts should be adopted; and in January 1828, they appointed their present book-keeper, Mr. Auchinleck, at a salary of £200 a-year.

In August 1828, they ordered, "that inasmuch as the accounts of the different stores are now kept by the book-keeper, the Board consider those kept by Mr. Hitchcock unnecessary, and order that they be discontinued."

In June 1830, Mr. Kearney, one of the commissioners, having, at the desire of the other commissioners, visited one of the depôts, reported an omission in Mr. Hitchcock to check the ledger with the tickets from the 8th to the 14th of June, though visits were entered by him as having done duty on the 8th, 9th, 10th, 11th, 12th, and 14th, and that it appeared to him those visits were perfectly useless, and thereupon the Board,—adverting to the want of effectual control, and, independently of this view of the subject, it appearing that the late arrangement of the department of supervisor of works, upon Mr. Taylor's restoration, rendered the supervisors competent to take upon them so much of the duty of the superintendent of stores as relates to the control of the depôts, "which constitutes all of real importance appertaining to him,"—"upon these grounds, as well as with the more important view of effecting a diminution of expense," they abolished the office of superintendent of stores, and annulled Mr. Hitchcock's employment.

Mr. Taylor, who had been under suspension from 1825, had been restored to the office of supervisor in January 1830.

Thus, the functions of the office of superintendent of stores had been, in most important respects, superseded for two years, and altogether unnecessary for nearly half a year, before the commissioners turned their attention to effecting a diminution of expense.

On the 12th of August 1828, the commissioners came to the determination of appointing two overseers in their store yard in Leeson Street, and named Mr. John Thacker principal,

at a salary of 30*s.* per week, and Mr. William Condon assistant, at a salary of 25*s.* per week.

In June, 1830, a controversy arose in consequence of Mr. Thacker's having rejected certain granite material sent in to his depôt by a Mr. Sherrard, who had contracted with the Board for the supplying of that article. Mr. Thacker complained of the want of a standard, and also of the "slothful" manner of executing orders.

Mr. Kearney, one of the Commissioners, visited the store, and reported that Mr. Sherrard had delivered more materials than he had orders for, and that there were but seven flags not fit for service. He also, it seems, disapproved and struck out of Mr. Thacker's report the word "slothful," and reported that Mr. Thacker had not totted his ledger from the 5th to the 14th of the month.

On the 18th, upon Mr. Kearney's reports, and upon Alderman Smyth's statement, "that an economical arrangement might be beneficially made, that would enable the Board to have the duty of the depôt discharged by one overseer," they annulled Mr. Thacker's appointment, and directed the former assistant-overseer to perform all the duty.

Thus two years elapsed before the discovery was made that the inferior officer, at a lower salary, could do all the duty. Mr. Thacker states, that had he been offered the situation, at the lower salary, to do the whole duty, he would have accepted it.

Although the law places the appointment and removal of the inferior officers in the Commissioners, yet, in many instances, indirectly, and sometimes, directly, such officers are nominated by Government.

Under this system of Government-interference the responsibility of the Commissioners is taken away; the nominees of the local government necessarily have a control over the Commissioners, who are liable to be called to account just as much for suppressing as for creating an unnecessary office or salary. Hence seems to arise the system of their suffering useless officers to remain on their establishment until they are fortified by a charge against the individual, upon which they may ground his dismissal.

135. The following return contains the representation of the Commissioners and their officers of their existing duties and employments:—

"A RETURN of the Officers and Servants, as well those on Annual Salaries as Weekly Pay, upon the Establishment of the Commissioners for Paving, &c., showing the Emolument attached to their respective offices, and the Duties performed by each.

Officers and Servants.	Offices.	Salaries and Wages. Annual. £.	s.	d.	Duties.
Alderman Richard Smyth Lieut.-Col. George Morris Hickman Kearney, Esq.	Commissioners . .	553 461 461	16 10 10	11 9 9	Give daily attendance; read and consider all documentary communications; refer and decide thereon: two always order payments and draw drafts on the Bank for the purpose; one examines weekly the Treasurer's accounts: first or presiding Commissioner reads and signs the minutes of the proceedings as framed and written by the Secretary, &c. &c.
John Reily, Esq. . .	Secretary; — Salary paid to Mr. Little, late Secretary . .	276	18	5	Attends the Board at its sittings, and notes every special case; reports upon all questions of reference incidental to the department; writes the minutes in the books kept for that purpose; writes also all letters to Government, and such other as are of a special nature; signs summonses and all other official documents incidental to the office, &c.
Richard Clarke . . .	Clerk, Secretary's Office	150	0	0	Writes from the documents all official letters, except those above alluded to; communicates therefrom to the several officers the orders of the Board in books kept for that purpose; issues orders from the same authority for the incidental receipt and payment of money by the Acting Treasurer in particular cases; and fills notices requiring the attendance of persons to compound for private and other works chargeable, &c.
Richard Landey. . .	Ditto	130	0	0	Keeps the diary and index, and the papers registered therein, in the order prescribed by existing regulations, and occasionally assists in the other business of the office.
Hector M'Millan. . .	Ditto	83	1	6	Prepares and issues licences, and registers the same in books kept for that purpose; prepares dockets of balances of deposits preparatory to payment; attends the hearing of summonses, and notes the decision thereon, and keeps the index of the minutes; and also registers offence-cases in the book kept for that purpose.
William Pigott . . .	Ditto	40	0	0	Copies the official letters; keeps the index to the letter-book, and attends the Board-room, &c.
John Reily, Esq. . .	Acting Treasurer .	461	10	9	Exercises a general superintendence, and, assisted by the principal clerk, pays accounts ordered for payment; has the custody of cash-balances in hand; directs the preparation of the public accounts of the establishment; prepares the annual estimates and statements connected with the finances; reports upon all financial questions of reference, &c.

MUNICIPAL REGULATIONS.

No. 135.—A RETURN of the Officers and Servants, as well those on Annual Salaries as Weekly Pay, upon the Establishment of the Commissioners for Paving, &c.—*continued.*

Officers and Servants.	Offices.	Salaries and Wages. Annual. £. s. d.	Duties.
William Parr	Clerk, Treasurer's Office	90 0 0	Examines calculations of all accounts forwarded for payment; prepares orders for payment thereof by Commissioners, and enters same in the order-book; assists to pay the accounts when ordered; pays the workmen weekly; writes the cash-ledger, and the book for the accounts of private works; and assists to prepare, and copies, the public annual account; and balances tax-ledgers.
Michael J. Dillon	Ditto	78 0 0	Keeps tax-ledgers, which he posts from corrected abstracts of weekly collection; prepares weekly statement of the progress of the collection for the Board, and assists in the payments and incidental business of the office.
David F. Thacker	Ditto	46 16 0	Assists in keeping the tax-ledgers and other incidental business of the office.
William Auchinleck.	Book-keeper	150 0 0	Compares the daily returns with those of the inspectors; checks the number of labourers, watchmen, horses, &c. allowed under each overseer, and the returns of manure from the streets, with the loads acknowledged by the depôt-overseers; answers references from the Board, and compares the weekly returns of stock of materials with the abstracts furnished by the first clerk; checks the calculations of the workmen's accounts or pay-sheets weekly, and certifies the same; enters the general accounts in the office-ledger from the cash-book and journal; examines and checks the several weekly, monthly, and other accounts sent to this office, and keeps a ledger of the implements.
Edward Mitchell	Clerk in Book-keeper's Office	101 10 8½	Compares the daily returns of the street-overseers with those of the depôts; checks the materials acknowledged by the former with those charged by the latter, and marks the discrepancies (if any); opens new accounts weekly for each depôt and working party; posts workmen's accounts from the daily returns; enters the horses employed by each overseer; compares their statement with the return furnished by the superintendent of horses; notes the materials received by street-overseers, such as do not pass through any of the depôts; prepares and furnishes weekly pay-sheets of workmen; posts the abstract-book, showing each day the quantity of materials received from the various contractors, by which their accounts may be checked at any given period in the course of the month; an abstract of the materials applied by the street-overseers in the progress of the works, and an abstract of the horses employed in the various departments; arranges the records of the office, and the daily returns—about 200 weekly.
Samuel D. Fleming.	Clerk in Book-keeper's Office	92 6 2	Measures on a map the daily work of the horses, and posts the fines for short work to the charge of the various horse-contractors; keeps the accounts of persons purchasing manure; copies weekly the accounts of openings made in the streets by the gas companies and pipe-water committee; numbers the ticket-books supplied to the overseers of depôts, and calls over occasionally the monthly entries in the journal.
William Tassie	Supervisors of Works	369 4 7	Prepare estimates of the annual expenditure upon the works in their respective divisions; report on miscellaneous references connected with the works, occasional defects thereof, improvements and alterations; regulate levels for pavements, flagging, and macadamizing; inspect and direct the works of all kinds in progress; control nuisance-inspectors; prepare plans and designs of public sewers, and specifications thereof, together with the expense incurred in their construction when completed, preparatory to the assessment thereof upon the persons chargeable, &c.
George Taylor	Supervisors of Works	369 4 7	
Denis Kinsella	Clerk in Supervisors' Office, and Implement Storekeeper	70 0 0	Copies estimates and reports made by the supervisors; has charge of implement store, and keeps an account of the receipt and delivery thereof.
William Maguire	Inspector of Taxes	200 0 0	Reports on applications upon the subject of taxes; prepares collectors' books for paving and lighting and watering taxes; examines and controls weekly abstracts of collectors' receipts, and personally investigates all cases of non-collection, and the causes thereof, &c.
Matthew Langtry	Clerk in Tax Office	26 0 0	Assists the inspector of taxes in his duty.
William Edwards	Assistants to the Supervisors of Works.	100 0 0	Assist the supervisors of works in the general detail of their duties.
Thomas P. Thacker	Assistants to the Supervisors of Works.	78 0 0	
James Carty	Collector of Fines	70 0 0	The duty of collecting fines is suspended for the present, and this person now acts as an overseer.

No. 135.—A RETURN of the Officers and Servants, as well those on Annual Salaries as Weekly Pay, upon the Establishment of the Commissioners for Paving, &c.—*continued.*

Officers and Servants.	Offices.	Salaries and Wages. Annual. £. s. d.	Duties.
Francis Johnston	Superintendent of Horses and Inspector of Scavenging	73 16 11	Superintends the watering of the streets generally, the horses and carts employed by the Board, and also the cleansing of the streets on the north side of the city.
Richard Wilson	Inspector of Fountains	27 13 10	Attends to the repair of all fountains, assisted by a turncock, and reports occasional defects, to obtain orders for their repair.
Ditto	Inspector of Scavenging	110 14 4	Superintends the cleansing of the streets on the south side of the city. Paid weekly 2*l.* 2*s.* 7*d.*
Sydney Clendinning	Housekeeper	42 0 0	Has charge of the Corporation House, furniture, and other property; keeps them clean, and lights the office-fires, &c.
George Clendinning	Messengers	40 0 0	Attend the Board while sitting, and deliver all official letters.
Redmond Foley	Messengers	40 0 0	
Owen Cane	Hall Porter	39 0 0	Attends the hall, and directs the public to the different offices during the day; receives documents for the Board before and after official hours, and has charge of the outward gates. Paid 15*s.* weekly.
Peter Dunn	Turncock to Fountains*	24 1 0	Takes care of the fountains under the inspector. Paid weekly 9*s.* 3*d.*
Robert M. White	Inspectors of Nuisances	52 0 0	See printed instructions. The situation of inspector of lighting having been abolished, the nuisance-inspectors attend to the lighting of the public lamps each night alternately. Paid weekly 20*s.* each.
Michael Byrne		52 0 0	
Thomas Scott		52 0 0	
George Richardson		52 0 0	
James Grattan		52 0 0	
J. Doherty		52 0 0	
J. Singleton		52 0 0	
J. Dunbar		39 0 0	Paid weekly 15*s.*
J. W. Birch	Overseer of Stone-yard, Purdon-street*	67 12 0	Measures and inspects granite flags and paving-stones; keeps store-ledger; fills receipts for materials received and delivered; attends to the weighing-machine, and makes daily returns of the yard transactions. Paid weekly 26*s.*
W. Condon	Overseer of Pleasant-street Stoneyard*	65 0 0	The like duties as the overseer of Purdon-street stone-yard. Paid weekly 25*s.*
Arthur Torkinton	Overseer of the depôts in Erne-street and Benson-street*	62 8 0	The like, and the receipt and delivery of manure. Paid weekly 24*s.*
Edward Fitzgerald	Overseer of the depôt on the West Road*	52 0 0	Paid weekly 20*s.*
William M'Guinness	Overseer of Flagging Party*	67 12 0	Acts in the repair and execution of new footways, as directed by the supervisors; keeps the workmen employed; measures flags; gives receipts for them, and makes daily returns in the form prescribed. Paid weekly 26*s.*
Timothy Tierney	Overseer of Sewers*	54 12 0	Makes private and public sewers, cross-drains, &c. and makes daily returns of the work executed, and of the party employed under him. Paid weekly 21*s.*
John Moran	Paving Overseers*	54 12 0	Superintend their respective parties, and have the pavements executed as directed by the supervisors, and make daily returns of the form now in use. Paid weekly 21*s.* each.
J. M'Clelland	Paving Overseers*	54 12 0	
A. Wilson	Inspectors of macadamized streets*	31 4 0	Superintend workmen employed on macadamized streets; give receipts for materials, and make daily returns. Paid weekly 12*s.* each.
— Fox		31 4 0	
— Farrell		31 4 0	
— Halligan		26 0 0	Paid weekly 10*s.*
Thomas Kelly	Overseer of manure depôt, Brunswick-st*	52 0 0	Superintend the receipt and delivery of manure; make daily returns thereof and workmen employed, &c. Paid weekly 20*s.* each.
Philip Barnes	Overseer of manure depôt, Black Pits*	52 0 0	
James Geddes	Overseer of manure depôt, Marrowbone-lane*	52 0 0	
William Smyth	Overseers of Scavenging-street parties*	52 0 0	Each has charge of a party of scavengers located in their respective divisions, and carts, and make daily returns of their progress. Paid weekly 20*s.* each.
J. M'Dermott		52 0 0	
W. Marks		52 0 0	
John Norris		52 0 0	
William Bisgood		52 0 0	
James Price		52 0 0	
Edward Owens		52 0 0	
Thomas M'Kane, Esq.	Counsel to the Board	. . .	Gives advice when consulted, and is paid fees upon the questions he is consulted upon.
Peter Warren, Esq.	Law Agent	. . .	Prepares contracts and appointments, and executes the general business of law agency.
John Pigott	Collectors of Paving and Lighting Tax	. . .	Collect paving and lighting tax, and the assessment for works chargeable.
Francis Salmon			
Robert Beatty			
George Fraser			
Caleb Palmer			
Thomas Hanigan			
Robert White			
— Stephens			
John Wilson	Collector of Watering Assessment	. . .	Collects the watering assessment.

N.B. The appointments of the three commissioners, the secretary, the treasurer, and the two supervisors of works, are vested in the lord lieutenant, by the statute 47 Geo. III. c. 109, s. 14. The Commissioners are empowered to appoint all other or inferior officers and servants, under the 15th section of the same Act.

* The employments thus marked are not considered as coming within the meaning of either of the sections quoted, being regarded more in the character of artizans or operatives of an higher class than those engaged in manual labour, and their pay is accordingly included in the general mass of workmen's wages instead of the salaries of officers properly so called."

MUNICIPAL REGULATIONS.

Incidental Expenses.

136. The following were the Incidental Expenses of the Establishment for the year ended 5th January, 1833:—

To informers, under the head of nuisances			£35	0	4½
„ „ lighting			2	4	0
				£ 37	4 4½
Stationery, printing, and stamps				260	14 3
Advertising and newspaper				132	18 0
Law expenses (100*l.*, part of this sum, is not included in the annual account, having been paid "on account" of law costs, and the commissioners of public accounts refusing, it is said, to allow items so paid)				154	17 0
Corporation house				156	5 8
Miscellaneous				8	8 8
Total				£750	7 11½

137. In the following tables are brought together the different sums of money expended on the Establishment and on the Works in the year ended 5th January, 1833.

The salaries and allowances to officers, which the Commissioners return under other heads, are here brought together in No. 1; and that table shows that a saving exceeding 3,000*l.* a year might have been effected—by appointing the annuitants to active employments—by dispensing with the unnecessary offices of treasurer and of a second supervisor of works—and by confining the salaries and allowances made to officers appointed by the commissioners within the strict letter of the clauses limiting their powers in that respect.

No. 1.—Expenditure on the Establishment.

ESTABLISHMENT.			Amount paid in Year ended 5th January, 1833.	Amount which ought to have been saved to the Public.
			£. s. d.	£. s. d.
1st. For Annuities			830 15 6	830 15 6
2dly. For Salaries and Allowances:—				
To Officers appointed by the Lord Lieutenant:—				
The Three Commissioners			1,476 18 5	
The Secretary			276 18 5	
The Treasurer			461 10 9	461 10 9
The Two Supervisors of Works			738 9 2	369 4 7
To Officers appointed by the Commissioners:—				
To Collectors:—				
At 6*d.* in the Pound on the general Paving and Lighting Tax			831 0 0	
At 1*s.* 0*d.* in the Pound on Special Assessments: viz.—				
On Assessments for Watering			77 13 1	38 16 6½
„ Sewers			51 17 2	25 18 7
„ Paving			12 13 7	6 6 9½
„ Flagging			15 12 10	7 16 5
„ Enclosing			1 0 1	0 10 0½
To other Officers and Servants, whose Salaries and Allowances are returned by the Commissioners under the head of Salaries	£. s. d. 1,829 4 8			
To other Officers and Servants whose Salaries and Allowances are returned under other heads: viz.—				
Inspector of Lighting	£99 19 5½			
Overseers of Scavenging	637 16 0			
Overseers of Paving	235 6 0			
Overseers of Macadamizing	149 14 0			
Overseer of Flagging	67 12 0			
Overseer of Sewers	54 12 0			
Inspectors of Nuisances	353 15 6			
Turncock of Fountains	24 10 3			
Gratuities to Turncock	19 7 0			
Miscellaneous Gratuities	167 9 6			
Charitable Allowances	14 19 9			
		1,825 1 5½		
			3,654 6 1½ (The legal limit being 2,307 12*s.* 10½*d.*)	1,346 12 3¼
3dly. For Incidental Expenses			750 7 11½	
			9,179 12 5	3,087 11 5¾

No. 2.—Expenditure upon the Works.

	To Contractors.	To Artificers, Labourers, &c.	Hire of Horses, Tackling, &c.	Implements and Purchase and Repair of Carts.	Materials.	(*a*) Rents of Depôts, (*b*) of Water.	Repairs of Depôts, Taxes, &c.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Lighting	7,803 13 6	..	..	..	..	...	..	7,803 13 6
Scavenging	..	2,989 9 0	2,774 0 9	584 5 5	..	(*a*)313 4 6	340 14 8	7,001 14 4
Paving and Macadamizing	..	2,150 13 11½	1,370 11 10	353 15 6	6,383 4 7	(*a*) 92 10 0	68 19 10½	10,419 15 9
Flagging	..	396 2 10	67 0 3	..	1,044 13 6	..	..	1,507 16 7
Sewers	1,180 4 0½	751 3 4½	154 11 8	6 16 8	570 3 9	..	..	2,723 1 3½
Ditto—Sundries	57 15 4½	2 6 5	..	..	..	..	..	..
Enclosing Waste Grounds, &c.	75 15 3	51 12 5½	4 14 3	..	10 13 1	..	..	142 15 0½
Fountains	792 4 4	36 12 10	..	..	..	(*b*)138 9 2	..	967 6 4
Watering the Streets	..	96 0 4	763 19 3	199 2 7	..	(*b*)300 0 0	..	1,359 2 2
Street Labels, &c.	158 16 0	2 9 0	..	..	..	..	..	161 5 0
Miscellaneous	..	1 6 10	..	46 19 11	..	..	18 15 5	67 2 2
	10,068 8 6	6,477 17 0½	5,134 18 0	1,191 0 1	8,008 14 11	844 3 8	428 9 11½	32,153 12 2

There is an item, in the expenditure upon works, of 300*l.* a year paid to the corporation of Dublin, or its pipe-water committee, for water used for the purpose of watering the streets; which it seems questionable whether the commissioners ought to be called upon to pay. We have already mentioned the early Acts, enabling the commissioners of paving to erect fountains and conduits for the supply of water for the health, convenience, and benefit of the poor, and cleanliness of the city; and imposing on them the duty of watering the streets (23, 24 Geo. III.; 26 Geo. III. &c.); as well as the Act (28 Geo. III.) imposing the payment of 150*l.* a year, for ever, upon the commissioners of paving, for water for the fountains and conduits. The Act of 1807 (s. 6) also recited, that the erecting of fountains and conduits, for the use of the poor and the public, must tend greatly to the free intercourse, health, accommodation, and safety of the inhabitants; and (s. 89) that those before erected had been found to contribute greatly to the health, convenience, and benefit of the public, and in particular of the poor of the city and the cleanliness of the city; and it enacted, that the commissioners should erect as many fountains or conduits for the supply of water as they should think necessary; and (s. 90) that in like manner, and for the same purposes, and in pursuance of the spirit of the agreement specified in the 28 Geo. III., the commissioners out of their funds should pay to the corporation of Dublin the sum of 150*l.*, in one or more payments in every year, for ever; and by s. 94 it was enacted, that the commissioners should have full power and authority, from time to time, to cause all or any part of the public streets to be watered in such manner as they should appoint, and, if necessary, to sink pumps, &c.

The Act of 1814 (s. 21) recites, that the watering of the streets have been found of the greatest utility and comfort to the inhabitants and passengers; and imposes a tax, for the purpose of watering, upon the houses, &c., in any street, &c. the majority of the householders, &c. of which shall apply to the commissioners to have the same watered.

After the passing of the Act, an agreement was entered into between the commissioners and the pipe-water committee, whereby the latter undertook to supply water, for watering the streets, on receiving 10 per cent. upon the net amount of watering-tax collected in such streets as should be watered by supplies given by them. This was acted on up to 1830, when the pipe-water committee sought to obtain the like per-centage upon the produce of all streets, as well those watered by water supplied by them as streets for which a supply was obtained elsewhere.

On the 17th March, 1831, they offered to enter into an agreement for a supply of water for watering the streets for a term of five years, at 350*l.* a year, being nearly double what had been paid before.

Upon this, the commissioners of paving took the opinion of the Attorney-General (Mr. Blackburne), whether, under the 89th and 90th sections of the 47 Geo. III., they were not entitled to obtain a supply of water for all purposes (including the watering of the streets) without any other charge than the 150*l.* per annum provided by the 90th section. But the case which they submitted did not refer to the Acts of 1784, 1786, nor to the documents which were interchanged between the commissioners and the pipe-water committee in 1787 and 1788.

The opinion was adverse to the claim of the commissioners; but it proceeded upon an assumption, that the practice of watering the streets arose from and was created by the authority of the 47 Geo. III. s. 94, and that it was not among the purposes to which the water was applicable before the Acts 28 Geo. III. and 47 Geo. III. were passed.

The commissioners have not since apprised their counsel of those facts, and have submitted to pay to the pipe-water committee an additional annual sum of 300*l.* for the supply of water.

The Commissioners of Inquiry, who reported in 1826, recommended the system of contract as being the best means by which any public body can carry on works, when the due execution of them can be insured by sufficient superintendence and inspection; and urged its adoption, particularly with respect to the scavenging of the city, which they found had been attended with an expense amounting to 6,000*l.* a year.

They recommended that the city should be divided into small districts, so as to come within the reach of the neighbouring farmers and gardeners undertaking the work; they also considered that it would be necessary to separate the work into two branches, viz., the sweeping and the removing of the soil, and that the same person should not be allowed to contract for both.

In September, 1827, the commissioners of paving advertised for contracts for carting away the street-soil collected by the sweeping parties, in nineteen districts, into which they divided the city. Several proposals for particular lots were received; but they entered into a contract with Mr. William Daniel, both for the sweeping and carting away of the soil, for the entire of the city.

This was a contract for five years, from the 5th April, 1828, at 4,000*l.* a year, and continued in operation only up to the 19th March, 1830, when the commissioners felt themselves necessitated to use a power they had reserved, of annulling it, in consequence of the unsatisfactory manner in which the contract was performed in some respects, and of Mr. Daniel's having, in other respects, failed to perform it altogether.

They have concluded, from their experience in this instance, that it is not practicable to have the service performed by contractors in a manner that would be satisfactory to the public.

It is to be observed, however, that the recommendation of the Commissioners of Inquiry of 1826 has, by no means, had a fair trial.

The total expenditure for the year ended 5th January, 1833, was as follows:—

MUNICIPAL REGULATIONS.

Salaries and official allowances, and incidental expenses of the establishment	£ 9,179	12	5
Expenditure upon the works	32,153	12	2
Total expenditure	£41,333	4	7

The present commissioners, in their mode of keeping their accounts, have included in their disbursements since 1826 sums under the heads of "Tax Refunded" and "Repayments" of deposits.

Those amounted, in the year ended 5th January, 1833, as follows :—

Tax refunded	£ 56	9	11
Repayments of deposits	703	12	11
Total repayments	760	2	10
Total expenditure	41,333	4	7
Total disbursements	£42,093	7	5

It appears that—

The average annual expenditure for five years, ended the 5th January, 1835, under the former commissioners, amounted to (in present currency)	£35,820	10	1
The average annual expenditure for five years, ended the 5th January, 1833, under the present commissioners, amounted to (after deducting "repayments")	£41,505	2	10½
There being thus, in the latter period, an average annual increase of expenditure amounting to	£5,684	12	9½

The present increased expenditure is attributed by the commissioners to the following causes :—1st, in part to the growing extent of the city, and, consequently, of their works; 2dly, in part to the adoption of the system of making and repairing the streets with broken stone (called macadamizing) instead of pavement, by reason of which the expenses, both of making and repairing and of cleaning, are increased, and the profits from the scavenging diminished; 3dly, in part also to a necessity, as they conceive, for the very expensive establishment they at present maintain.

Accounts.

The 47 Geo. III. s. 27, directed, that the Commissioners of Imprest Accounts should, once in every year, examine and audit the accounts of the Commissioners of Paving. The books of account, it was directed (s. 26), should contain distinct and separate accounts, of the produce, and of each and every distinct tax, rate, and assessment hereby imposed, or directed to be raised, levied, or paid; and also of the fines, forfeitures and penalties received, levied, or paid for each and every distinct offence, thereby made liable to any fine, penalty, or forfeiture; and also of all fines, forfeitures and penalties imposed and levied upon any person or persons contracting with the said Commissioners for the execution of any of their works, by reason or in consequence of any breach of the terms, stipulations, covenants, or clauses, or any of them, in such contract or contracts respectively contained; and what sum or sums (if any) shall have been paid thereout respectively to any informer or informers, and what part applied to the purposes of this Act respectively; and also particular accounts of all sums received by any of the officers or servants of the said Commissioners, from any person or persons, body or bodies politic or corporate, for or in respect of any licence granted, or work to be done, or other matter or thing whatsoever in anywise connected with the business of the said Commissioners, and how the same has been applied; and the accounts (to be audited), it was directed (s. 27,) should set forth particularly, "under separate heads as aforesaid," a full and true statement of all and every their receipts and expenditures, and of all arrears, and sum and sums of money due to them on any account whatsoever; and also of all and every sum and sums of money due by them on any account whatsoever, and also of all contracts made by them, and how much of the work had been executed or not.

These directions, as to separate accounts, appear to us not to have been properly complied with.

Audit by Imprest Commissioners.

The accounts have been annually audited, and were published in the printed Reports of the Imprest Commissioners up to the year 1832, when the audit was transferred by Act of Parliament to the Commissioners for auditing accounts in Great Britain; and from that time the Irish public appear to have lost the advantage arising from the annual publication.

Observations.

The audit of the accounts by the Imprest Commissioners appears not to have been effective. Great accuracy has been observed in checking wrong "totals" or miscastings; but the substantial abuses of the Board do not appear to have been brought to light or controlled by any investigation instituted upon the audit. Disallowances, indeed, have occasionally been made; but no consequences follow from that, save that the amounts disallowed are carried on, upon paper, from year to year, as part of a balance "in favour of the public." We found in the last account (1833) twelve items of this description, amounting in the whole to 923*l.* 15*s.* 2*d.*; of these, nine (amounting to 734*l.* 12*s.* 11½*d.*) were of dates in and previous to 1815, and, as might be expected, are considered wholly unavailable; three, only, exist in the time of the present Board; the first is a sum of 187*l.* 7*s.* 1½*d.* for which a collector (J. E. Knight) was a defaulter; the Commissioners sued his sureties and recovered only a portion of the defalcation; it appeared that he had collected money after he was dismissed, and the sureties were held not liable for money received by him after his dismissal. The Commissioners did not advertise his dismissal at the time. The other two items were errors in calculation, and are of extremely small amount,

MUNICIPAL REGULATIONS.

(6*s.* 8*d.*, and 1*l.* 8*s.* 5*d.*); but we mention them as not the less strongly exemplifying the futility of the audit, the one having remained in the accounts from 1826, and the other from 1828. In fact, it is complained, and, it seems, justly, that the provisions of the 52 Geo. III. c. 52, ss. 38, 39, have not had their intended operation, that the law should take its course for recovery of sums disallowed by the Imprest Commissioners, and not allowed, within six months, by the Lord Lieutenant.

Much dissatisfaction appears to have prevailed, also, on account of the difficulties experienced by the tax-payers in obtaining information as to the affairs of the Board. In 1822 the chief secretary replied to an application for permission to view the accounts, "that it was quite inconsistent with precedent, and most inconvenient, in point of practice, to authorize any person to have access to the accounts of any public establishment, until after reported duly by the Commissioners of Accounts." A subsequent application for accounts which had been passed was also evaded. In 1823 a further application to inspect accounts up to 1820, having been referred to the Commissioners of Accounts, permission was granted; whereupon, very serious charges were brought against the establishment. But, until the inquiry afforded in 1826, the tax-payers had no means of instituting an investigation into the affairs of the Board. Even that inquiry, and the report upon it, although extremely copious, appeared to some defective, and further charges were opened before us. To us the present Commissioners of Paving afforded, in every respect, the most ample information in their power; but we regret to have observed that, in the year 1828, when they were applied to, by a respectable inhabitant, for information on the subject of the salaries of the establishment, they answered, that they did not consider it expedient to give the information without receiving the commands of Government.

This Report would have been much extended, had we gone into a recapitulation of all that has been proved or complained of; but we think that sufficient must appear from the Report made in 1826, and what we have above stated, to show the necessity of giving to the tax-payers an effective check and control over the expenditure of their money. The interference of the Government, however well warranted while the State contributed 10,000*l.* a year to the funds of this establishment (as was the case prior to 1807), and however useful at all times, ought not so long to have been maintained, to the exclusion of those who paid the tax; and it is scarcely conceivable that the public could have sustained the losses which have been incurred, had it not been for the secrecy observed with reference to the accounts.

Liberty Fountains, &c.

It will be necessary, in subsequent portions of this Report, to observe upon the duties which have devolved on the Commissioners of Paving, as Commissioners for erecting Fountains in the Earl of Meath's Liberties, upon the regulations in existence for Rutland Square, and several other separate portions of the city and suburbs.

Gas Light.

Several local Acts have been passed for regulating the supply of Gas Light to the inhabitants; they are the 1 Geo. IV. cap. lv. and 4 Geo. IV. cap. xcix. for the "Dublin Gas Company;" the 4 Geo. IV. cap. xxxviii. and 10 Geo. IV. cap. lii, for the "Hibernian Gas Light Company;" and the 5 Geo. IV. cap. xlii. for the "Oil Gas Campany."

GRAND JURY TAXATION.

138. The Term and Quarter Sessions Grand Juries possess extensive powers in levying taxes on the citizens of Dublin for various public objects.

It is now unnecessary to inquire to what extent or by what authority the Term and Sessions Grand Juries of this city were accustomed to impose taxes for public purposes, previously to the enactment of the 29 Geo. II. c. 14 (A. D. 1755). They did, before this Act was passed, exercise such powers; but it recites, that doubts had arisen touching the powers of the Grand Juries of the county of Dublin and county of the city of Dublin in the Court of King's Bench to present money for public uses. Previous statutes had conferred on Grand Juries at "assizes" the power of assessing the inhabitants of their respective counties.

29 Geo. II. c. 14.

The statute 29 Geo. II. c. 14, enacts, that it shall be lawful for the Grand Juries of the county of Dublin and county of the city of Dublin respectively, in term time, to make presentments, and for the judges of the Court of King's Bench in open court to confirm the same, for the raising money on the said counties respectively, for all uses and purposes for which, by any law then subsisting, the Grand Juries at assizes were empowered to make presentments of money, and that the presentments so made should be under the like powers, &c., as to raising, levying, and duly applying and accounting for the money presented, as theretofore used in the Court of King's Bench, or, by any law then subsisting, directed for presentments at assizes.

26 Geo. III. c. 40.

A later statute, 26 Geo. III. c. 40, regulated presentments of money in the county of the city and the mode of accounting for the public money, and gave additional powers for levying same, but was afterwards, with some exceptions, repealed; this statute conferred on the Quarter Sessions Grand Juries concurrent authority with the Term Grand Juries to make certain presentments. The 6th section of the 29 Geo. II. c. 14, which abolished the power of presenting money by Quarter Sessions Grand Juries, had excepted the Quarter Sessions Grand Juries of the county of the city of Dublin.

33 Geo. III. c. 56. 47 Geo. III. sess. 2, c. 74. 49 Geo. III. c. 20.

The fiscal powers of the Grand Juries of the city of Dublin, both Term and Sessions, are now principally governed by the statutes 33 Geo. III. c. 56, 47 Geo. III. sess. 2, cap. 74, and 49 Geo. III. cap. 20—the two latter are local Acts. Other statutes, under which the Grand Juries present certain sums in lieu of fees to public officers, and by which the presentments for prisons are regulated, have been already noticed in this Report.

The county of the city of Dublin has been commonly excepted from the general Acts relating to Grand Juries, and seems impliedly excepted from all such Acts which only provide for the regulation and proceedings of Grand Jurors at assizes, without adding the words "presenting terms;" as, for instance, the late important statute, 3, 4 Will. IV. c. 78, enabling the rate-payers to act at special sessions.

MUNICIPAL REGULATIONS.

Sessions Grand Juries.

139. The power of the Quarter Sessions Grand Jury to present money was, by the 27th and 28th sections of the 33 Geo. III. c. 56, limited to presentments for the following purposes, viz.: 1. For the repair of injuries occasioned by fire, or other unforeseen accident, to the gaols or public prisons of the city in the time of vacation, and when it may be necessary to make use of the public money to repair such gaols or buildings, before any presenting Grand Jury at the terms can assemble to make provision for the same; in which case the Sessions Grand Jury may cause valuations to be made of the sum necessary to be expended in the repair of such gaols or buildings, and make presentments of the sums necessary to complete such repair, which sums the treasurer is directed to pay, provided he has sufficient money in his hands for that purpose, and provided such presentments shall be confirmed by the justices at Quarter Sessions; 2, for the building and repair of the Sessions-house; 3, for carrying and conveying prisoners to and from trial; 4, for the crier and servants of the Sessions-Court and Grand Jury; 5, for gaoler, deputy gaoler, and turnkey; 6, for surgeon, for examining health of prisoners; 7, for repair, preservation, and necessaries for the gaol (bread and apothecaries' bill excepted). The fifth, sixth, and seventh heads are now provided for exclusively by the Term Grand Juries under the Gaol Acts.

The 29th section of the same statute (33 Geo. III. c. 56) provides, that the repeal of the 26 Geo. III., thereby made, should not affect the rights of the clerks of the peace of the city of Dublin to the several presentments which the Sessions Grand Jury were thereby authorized and had been accustomed to make for them. This is more fully noticed in our account of the emoluments of the clerks of the peace.

For the purpose of conveying a more distinct idea of the jurisdiction now exercised by the Sessions' Grand Jury in presenting money for public purposes, under the limitations above imposed by the 33 Geo. III. we give a copy of the presentments made by them at Michaelmas Sessions, 1833, and January Sessions, 1834.

Presentments at Michaelmas Sessions, 1833.

To a presentment to Messrs. Green and Archer, clerks of the peace, being amount of their fees on prisoners tried and convicted, pursuant to the 49 Geo. III. c. 101, and 1 & 2 Geo. IV. c. 77	£486	6	1
To ditto, to same, pursuant to an Act passed 31 Geo. III. c. 11, s. 1	46	3	1
To ditto, to same, for prosecuting nuisance presentments, pursuant to 33 Geo. III.	18	9	2
To ditto, to same, for drawing and entering presentments, pursuant to 26 Geo. III. c. 40, s. 31, and 33 Geo. III. c. 56, s. 29	9	4	7
To ditto, to high sheriffs, their amount, fees on prisoners tried and convicted, pursuant to the 49 Geo. III. c. 101, and 1 & 2 Geo. IV. c. 77	109	8	11
To ditto, to John Smith, gaoler of Newgate, for his fees on like, pursuant to like	60	17	11
To ditto, to John Ryan, crier, for like, pursuant to like	46	1	8
To ditto, to same, for his care and attention to the duties of his office, pursuant to the 33d Geo. III. c. 56, s. 28	12	0	0
To ditto, to John Norris, for one quarter's salary, due this Sessions, pursuant to like Act (summoner of witnesses)	20	0	0
To ditto, to Sarah Bower, court-keeper, 25*l.* part thereof being for one-half-year's salary, due this sessions; 9*l.* other part thereof for stationery; and 3*l.* 8*s.* 3*d.* for providing coals and candles, pursuant to like	37	8	3
To ditto, to Catherine Benn, door-keeper, for half-a-year's salary, due this Sessions, pursuant to like	17	10	0
To ditto, to James Walker, door-keeper, for the like, pursuant to like	17	10	0
To ditto, to Henry Rooke, door-keeper, for like, pursuant to like	17	10	0
To ditto, to William Powen, door-keeper, for like, pursuant to like	17	10	0
To ditto, to Eliza Vance, house-keeper of the Sessions-house, 25*l.* for half-a-year's salary, and 20*l.* for half-a-year's allowance for providing coals and candles, pursuant to 33 Geo. III. c. 56, s. 28	45	0	0
To ditto, to Arthur Newill, city surveyor, for surveys, reports, and presentments of dangerous old houses, pursuant to like, s. 29	12	14	0
To ditto, to James Morris, painter, for work done in the Sessions-court, pursuant to like	8	19	0
To ditto, to John Jackson, ironmonger, for work done in the Sessions-court, pursuant to like Act	11	6	4

Presentments at January Sessions, 1834.

To a presentment to Messrs. Green and Archer, clerks of the peace, being amount of their fees on prisoners tried and convicted, pursuant to the 49th Geo. III. and 1 & 2 Geo. IV.	492	10	0
To ditto, to same, for one quarter's allowance, pursuant to 31 Geo. III.	46	3	1
To ditto, to same, prosecuting nuisance presentments, pursuant to the 26 Geo. III. and 33 Geo. III.	18	9	2
To ditto, to same, for drawing and entering presentments, and attending grand juries, pursuant to 33 Geo. III.	9	4	7
To same, to high sheriffs, being amount of their fees on prisoners tried and convicted, pursuant to 49 Geo. III. and 1 & 2 Geo. IV.	110	16	8

MUNICIPAL REGULATIONS.

To ditto, to John Smith, gaoler, for his fees on like, pursuant to like .	£61	13	4
To ditto, to John Ryan, crier, for his fees on like, pursuant to like .	46	3	4
To ditto, for same, for his care and attention to the duties of his office	12	0	0
To ditto, to John Norris, for one quarter's salary, due to him this Sessions, pursuant to like	20	0	0
To ditto, to Eliza Vance, house-keeper, for providing an assistant to cleanse the Sessions-court, pursuant to like	10	0	0
To ditto, to Arthur Neville, city surveyor, for surveys, reports, and presentments of old houses, pursuant to like	8	8	0
To ditto, to John Jackson, for ironmongery done in the Sessions-court, pursuant to like	4	12	8
To ditto, to Gas Light Company, for lighting one lamp in the Sessions-court, pursuant to like	4	1	3

The quarter sessions grand jury make presentments at each sessions, so that many of the presentments above mentioned are made four times a year; some of them varying—such as the presentments to officers for fees, and for repairs; and others being fixed—such as salaries. Those which are stated to be for half a year are, of course, made only at each alternate quarter sessions. The presentments to the clerks of the peace, sheriffs, and inferior officers, pursuant to the 49 Geo. III. and 1, 2 Geo. IV., are on prisoners convicted. Before the passing of the 7 Geo. IV. c. 74, presentments were made to these several officers on acquitted prisoners, (See *ante*, title "Town Clerks, their functions and emoluments, &c.," p. 41). The presentment of 46*l.* 3*s.* 1*d.* to the clerks of the peace is made quarterly, under the authority of the 31 Geo. III., c. 11, and is expressed by that Act to be in consequence of additional trouble imposed on those officers. The presentment of 9*l.* 4*s.* 7*d.* is also made quarterly to the same officers. The presentment for the prosecution of nuisances is made to them, not as clerks of the peace, but as law agents of the grand jury employed for that purpose, as already noticed. The presentments to the crier of the sessions-court are also made quarterly, and the fees and salary of this office appear to amount to about 250*l.* per annum. We see no adequate reason for the continuance of this separate power of assessment in the sessions grand juries.

Term Grand Juries.

140. The Presentments of public money made by the Term Grand Juries are made either in cases in which they are bound to present, and have no power of rejection, or in cases in which they have a discretion either to present or reject. In some of the first class of cases they possess no power of regulating the amount of the presentments, while in others, although they cannot reject the presentment altogether, they have power to control its amount, either by exerting their vigilance in making provident contracts, or by making limited grants. The cases in which they have no power to reject or regulate the amount of the presentments are, grants to charitable institutions; the payment of instalments of loans made by government to the board of health; interest upon an advance of money made by government to the Commissioners of Wide Sreets under the 47 Geo. III. cap. lxxiv. (local act), hereinafter noticed; the salaries of certain public officers; rents for the sites of goals and prisons; and presentments to the clerks of the crown, and other officers, in lieu of fees.

Extent of their controlling power.

As to those cases in which the grand juries can exercise a controlling power over the amount, though they cannot reject altogether, there are some in which the discretion is limited within certain specified sums. The salaries of and allowances to several officers are of this description; and, in such cases, particularly as to salaries, the controlling power of the grand jury is very seldom exercised, it being usual, in such cases, to present to the full amount of their authority. As to the supply of necessaries to the gaols and prisons of the city, the grand jury have it in their power to confer much benefit on their fellow citizens by the exercise of a vigilant economy. A strong opinion, however, has prevailed amongst some of the citizens, that this power has not been exercised, in many instances, with due regard to the public interests, while on the part of the grand juries it is alleged, that the contracts in these cases are advertised for in the public newspapers, and that the persons who make the most eligible offers invariably obtain the supply.

Much evidence was given on this subject before the Committee of the House of Commons, on the local taxation of the city of Dublin, which sat in the year 1823, and to whose report we refer.

No evidence was laid before us of any particular instances of improvident contracts made by the grand juries in reference to these supplies. The suspicions entertained as to the partialities of the grand juries in the exercise of their powers of disposing of public money are, probably, much exaggerated by the general distrust entertained towards them from their being constituted in the exclusive manner we have already described, and from the secrecy of their proceedings.

Public Works.

The presentments with respect to which the grand juries possess the power of rejection are principally those for the purposes of making and repairing roads and bridges, and other such Public Works.

The roads repaired by the grand jury of the city are those situate within the county of the city, but without the Circular Road. With the bridges over the Liffey, the grand jurors have no concern, as they are placed under the superintendence of the Ballast Board. The bridges over the river Dodder are those for the building and repairing of which the term grand juries have power to present. When the centre of a road is the boundary between the county of Dublin and the county of the city, the grand jury of the county of the city is, by the 33 Geo. III. c. 56, sec. 33, authorized to appoint an overseer over their side of such road, and to present for the repair of that side; and when a bridge, pipe, or gullet is similarly circumstanced, the city grand jury is directed, by the same Act, to present one half the expense of making or repairing the same; but the treasurer is in this case directed not to pay the money unless the county grand jury present the other moiety of the expense. The roads, for the making and repairs of which

MUNICIPAL REGULATIONS.

the city grand jury have to provide are principally to the south of the Liffey, as the county of the city extends in that direction to the Black Rock, a distance of nearly five statute miles from the city, and there are no turnpike trusts in that direction.

The sums presented for repairing roads are very considerable. In Easter term, 1834, the amount presented for such objects was 2,595*l.* 1*s.* 5*d.* The sums are presented to individuals appointed annual overseers, to be by them expended for the purposes proposed. Some of them are generally members of the grand jury. It does not appear that any advertisements are published inviting contracts for such works, and the county of the city of Dublin, as we have already noticed, is not comprised in the late statute, 3, 4 Will. IV. c. 78, which contains special provisions of great importance and value, applicable to presentments of this nature.

The chief bridges, on the Dodder, presented for by the grand jury, are Donnybrook Bridge, Ball's Bridge, and Ringsend Bridge. A new bridge has been recently erected at the first-named place, and extensive alterations are in progress at Ball's Bridge. The erection of Donnybrook Bridge has been the subject of much animadversion, as well on the grand jury as on individuals connected with the transaction. The amount of the first presentment for this bridge was 5,603*l.* 3*s.* 1*d.* This presentment appears to have been made at Easter term, 1830, by the grand jury, merely on plans and estimates furnished by the architects of the corporation, Messrs. Semple and Son, without any public advertisement. These architects, one of whom, Mr. John Semple, jun., was a sheriff of the city in the subsequent year (1831), considered the contract as made with them on that occasion, and actually proceeded with some preliminary preparations towards the erection of the bridge. However, the overseers appointed to expend the money subsequently advertised for proposals, and entered into a contract with a firm of considerable eminence for the execution of the work for 5,000*l.* There was another estimate furnished on that occasion for 4,500*l.*, and it was stated to us by one of the contractors, that he heard the reason why the person who sent in that estimate did not obtain the contract was that he could not refer to any public work in which he had been engaged. The preparations made by the Messrs. Semple were taken advantage of by the actual contractors, who paid Messrs. Semple 46*l.* for the materials, &c., prepared by them. But a very serious imputation was made, in the progress of our inquiry, that the contractors had procured the contract by means of the payment of the sum of 1,500*l.* to the Messrs. Semple, or one of them. The elder Mr. Semple became insolvent, and in the schedule filed by him previously to his discharge in the Insolvent Debtor's Court, he actually stated, that his son had received this large sum from those persons. Both the contractors and Mr. Semple, jun., came forward before us, and positively denied on oath the fact of any such payment having been made, or any money whatever having been paid to the Messrs. Semple, except the 46*l.* above mentioned. The magnitude of the sum presented for a bridge of a single arch of 50 feet span was strongly complained of, and, in the instances of other bridges on the same river, it was deposed that much smaller sums had been found sufficient. It is, however, we think, difficult to believe that any such sum as was stated should have been given to obtain such a contract, especially where the same object could have been attained without risk, by making a reduction to the like amount in the contract price proposed. As to the cost of the bridge, the contractors deposed that every part of the expenditure was verified on oath, and that the price for the bridge, according to its cubical contents, was considerably less than what they had been in the habit of receiving for several years for similar works.

The contract price we have mentioned was only for the erection of the bridge, large sums were subsequently presented for the approaches to it, and, in the whole, the cost of this work exceeded 7,000*l.*

The following are the most considerable items of the expenditure:—

Sum presented to the overseers as expended by them in building the bridge	£5,354	19	9
Presentment to John Semple, jun., for his trouble in preparing plans, elevations, sections, and estimates for the bridge, (Easter, 1832)	100	0	0
Ditto for road and parapet walls near the bridge	908	4	2
Ditto for forming the approaches to the bridge, (Michaelmas, 1832)	510	9	6
Ditto to John Semple, for planning and superintending the formation of the approaches, (Easter, 1833)	70	18	8
	£6,944	12	1

Besides various presentments at different terms for building walls, sewers, &c., rendered necessary by the erection of the bridge and alteration of the road.

Causes of Increase of Taxation.

From various Causes, the Increase in the amount of the grand jury Taxation of the city of Dublin has been enormous within the last fifty years. The principal have been the additions made by authority of parliament to the salaries of several officers paid by presentments of the grand jury, the provisions made for payment of the fees of prisoners by presentments, and the very considerable addition which has been made to the jurisdiction of the criminal courts of the county of the city by adding to the city, under the Police Act, for purposes of criminal jurisdiction, all such parts of the county of Dublin as are situate within the Circular Road. From this last cause, as well as from the increase of population and crime, have arisen the necessity of building an increased number of prisons, maintaining an additional staff of officers, the support and payment of the fees of prisoners who in reality belong to the county, and a serious addition to the expense of prosecutions, while the whole of this vast increase to the burthens for the sustainment of which the Grand Juries are bound to provide, is left to be borne solely by the county of the city.

Officers of Grand Jury.

141. The Officers for the payment of whose salaries the Grand Juries provide, besides those already noticed as attached to the Sessions-house and prisons, are,—

The Treasurer of the County of the City of Dublin.
The Secretary of the Grand Jury.
The Inspector of the City Accounts.
The Collectors of the Grand Jury and Wide Street Cesses.

Treasurer, how elected, &c.

The Treasurer of the county of the city of Dublin is elected by the magistrates of the county of the city (without regard to qualification of property), under the 49 Geo. III. cap. xx. s. 3, (Local Act,) which directs, that, where a vacancy occurs, the lord mayor shall, within twenty-one days after such vacancy, convene the board of magistrates of the county of the city to meet at the sessions-house, between the hours of twelve at noon and two in the afternoon, and by the majority of votes of the magistrates who shall be present (notwithstanding want of qualification in property), shall proceed to elect a fit and proper person to be treasurer of the city of Dublin; provided that no person who shall be elected shall be capable of serving in said office, unless he shall immediately after his election in open court enter into a recognizance, before the chairman of the meeting at which he shall be elected and any other magistrate present at such election, in the sum of 5,000*l.*, and shall procure two or more sufficient sureties at the same time, each in a sum equal to one half the sum in which the said treasurer shall bind himself (the condition being to account truly for, and pay over, the monies received by him, and discharge the duties of his office). This Act contains some other provisions respecting the treasurer and his sureties, which we deem it unnecessary to notice more in detail. It is obvious, that, as the charter-justices of the city are, the lord mayor, sheriffs, and aldermen, and, of the additional magistrates appointed under the Police Act four are sheriffs' peers, the appointment of the treasurer is substantially vested in the corporation.

His Duties and Emoluments.

The Duties of the office will be presently noticed in stating the manner of levying, disbursing, and accounting for the grand jury cess. The Emoluments of the treasurer arise from two presentments made by the term grand jury.

One for his salary, under the authority of the 49 Geo. III. cap. xx. s. 8, for 150*l.* Irish each presenting term, being, per annum . . .	£276	8	4
The other is for complying with the 47 Geo. III. cap. lxxiv. relative to wide street taxes, 75*l.* Irish each presenting term, being, per annum .	138	9	2
Making a total salary of 450*l.* Irish, or British per annum. . .	£414	17	6

Secretary of Grand Jury.

The Secretary of the Term Grand Jury is appointed by that body. The appointment is made under the authority of the 33 Geo. III. c. 56, s. 23, and is for both the term and sessions Grand Juries. This officer, however, does not discharge any duties with respect to the sessions Grand Jury. His emoluments arise from presentments made half-yearly by each presenting Grand Jury.

Emoluments.

One under the authority of 49 Geo. III. cap. xx. s. 8, for 75*l.* Irish half-yearly, being, per annum	£138	9	2
Another under the 47 Geo. III. cap. lxxiv. for complying with said Act relative to wide streets, for 25*l.* Irish half-yearly, being, per annum .	46	3	2
	£184	12	4

In addition to which the following presentment appears in the presentment-sheet of Easter term, 1834:—

To Alexander and John Montgomery, secretaries, the sum of 83*l.* 6*s.* 7*d.*, being their taxed bill of costs for law business done by order of the Grand Jury, and the sum of 79*l.* 14*s.* expended by them for advertising, by order of same, pursuant to account, affidavit, and 33 Geo. III.	£163	0	7

This presentment is for one-half year, and similar presentments varying in amount occur in each presenting term.

Inspector of City Accounts.

The office of Inspector of the City Accounts was created by the 47 Geo. III. sess. 2, cap. lxxiv. s. 42 (loc. and pers.), which authorises the appointment of an inspector of the accounts of the treasurer of the county of the city of Dublin, and of the collectors of the rates directed to be levied by that Act, and also of all Grand Jury rates in the county of the city by presentment; it places the election of the first inspector in the members of the then late Grand Jury, and directs, that whenever a vacancy shall occur in the office a new inspector shall be elected by the members of the presenting Grand Jury, which had sat next before such vacancy, in manner by the Act particularly described.

Duties of.

The Duties of this officer are pointed out by the 43d section of the same Act, and will be presently stated.

Salary of.

The provision made for the Salary of this officer by the 47 Geo. III. sess. 2, cap. lxxiv. s. 45, is that the Grand Jury may present, "at each Easter and Michaelmas term," "a sum not exceeding 50*l.*," in consideration of his labour and trouble in the discharge of the duties of the office. Under this power it appears that a presentment is made for this officer at each presenting term of 50*l.* for that term, and of 50*l.* for the next, or, as it is called, the accounting term; thus, in fact, this officer receives 50*l.* for each of the four terms, or 200*l.* per annum, instead of 100*l.*, as, it appears to us, the legislature has provided.

Collectors of City Rates.

The Collectors of the Grand Jury Cess were formerly appointed by the parochial authorities; they are now appointed by the term Grand Jury, for the several parishes of the county of the city, under the statute 33 Geo. III. c. 56, s. 7, and are removeable by the Grand Jury at pleasure. There are nineteen parishes, and eight collectors are at present appointed, amongst whom the several parishes are apportioned as follows:—

How appointed.

MUNICIPAL REGULATIONS.

One Collector to the Parish of	. . .	St. Mary.
One „ „	. . .	St. Anne.
One „ „	. . .	St. Paul. St. Bridget. St. Nicholas Without, and St. Nicholas Within.
One „ „	. . .	St. James. St. Michan. St. Audeon, and St. John.
One „ „	. . .	St. Andrew and St. Werburgh.
One „ „	. . .	St. Thomas and St. Michael.
One „ „	. . .	St. Mark, St. Catherine, City Liberty, and St. Catherine, Thomas Court.
One „ „	. . .	St. Peter, and St. Mary, Donnybrook.

It is provided by the 33 Geo. III. c. 56, s. 7, that the treasurer shall not deliver any warrant to any person appointed collector to empower him to collect, until he shall have entered into one or more recognizances, according to the number of parishes he shall be appointed to collect, before the lord mayor, to be acknowledged to the treasurer and to his successors, himself in 500*l.*, and two sureties, to be approved by the Grand Jury, in 250*l.* each, for the due discharge of the duties of his office.

Duties of.

The Duties of the Collector are prescribed by the statute, and are hereinafter noticed in our account of the mode of levying and accounting for the public money.

Emoluments of.

The Remuneration of the Collectors is provided by the 9th section of the 33 Geo. III. c. 56, which authorizes the grand jury, at Easter and Michaelmas terms, to present for each collector 1*s.* in the pound on the sum collected and paid to the treasurer by him since the last presenting term, provided he has strictly performed his duty in every respect, but not otherwise.

The sum presented at Easter term, 1834, to the collectors, for the collections made by them since the Michaelmas term preceding, amounted to	£770	4	3
And for collecting the Wide Street Tax, pursuant to 47 Geo. III. cap. lxxiv. during the same period, being, for one-half year . . .	128	5	5
	£898	9	8

A sum, for the expenses of collection alone, which exceeds the entire amount of the Grand Jury assessments about sixty years ago.

It has appeared before us that losses have been sustained in consequence of the defaults of some of the collectors, and in particular of one, the collector of St. Mary's parish, who recently absconded. It did not appear that any proceedings had been taken to compel his sureties to make good his deficiency. Some proceedings of a criminal nature against the collector appear to have been contemplated, but were abandoned, as it was stated, from anticipated difficulties in procuring sufficient evidence.

Whether Collectors should be appointed by the Parishes.

Several of the citizens complain that the withdrawing of the appointment and control of the Collectors from the churchwardens has been the occasion of considerable fraud, and they desire that the appointment and control of such collectors shall be restored to them, or rather placed in the hands of the Vestries; while it is alleged, on the part of the Grand Juries (an allegation sustained by the recitals of the 33 Geo. III. c. 56, and by evidence given before the committee on the local taxation of Dublin in 1823), that the appointment was transferred to the Grand Jury in consequence of the defaults and misconduct of the former parish collectors. We think, however, that a much more extensive reformation in the mode of imposing and collecting the several taxes of the city of Dublin is required than any that could be expected from the proposed change.

Presentment of other Officers.

In addition to the above officers, whose salaries are altogether paid by presentments of the term Grand Juries, there are several others to whom Presentments are made by the same body. The following is a summary from the presentment-sheet of Easter term, 1834, of all other presentments made to such officers, or which are in any way connected with the administration of justice, and have not been already mentioned:—

To secretary of wide street commissioners, for complying with the 47 Geo. III. cap. lxxiv. (See *post*, title "Wide Streets") . .	£23	1	7
To court-keeper of King's Bench, for one year's salary, due this term, pursuant to like	25	0	0
To crier of same court, for ditto, due this term, pursuant to like .	20	0	0
To the coroners of the city, for inquests held by them, pursuant to 1 Geo. IV.	42	0	0
To Thomas Pettigrew, for stationery supplied for the use of the grand jury, pursuant to 33 Geo. III. and 47 Geo. III. cap. lxxiv. . .	97	5	3
To clerk of the crown for returns made by him to parliament, of prisoners committed, tried, and convicted of criminal offences .	10	10	0
To same, for his fees on prisoners acquitted and discharged at commissions held in January, February, and April, 1834, pursuant to like and 23, 24 Geo. III. c. 34, and 49 Geo. III. c. 101	55	10	0

To same, for same, on prisoners tried and convicted at said commissions, pursuant to like and 1, 2 Geo. IV. c. 77.	£54	5	11
To crier of commission-court, for his fees on prisoners tried at said commissions, pursuant to like and 49 Geo. III. c. 101.	5	18	10
To sub-sheriff of city, for fees on prisoners tried in October, 1833, January, February, and April, 1834, and expenses attending executions, pursuant to like and 23, 24 Geo. III. c. 34, and 49 Geo. III. c. 101.	35	14	9
To the treasurer, so much expended by him in paying witnesses' expenses at commissions and sessions held since August last, pursuant to account, affidavit, and 55 Geo. III. c. 91.	188	17	10
To same, being so much paid by him to medical men for their attendance on coroner's inquests, pursuant to like and 10 Geo. IV. c. 37.	88	8	3
To same, being so much expended by him for stamps for drafts and receipts, and lord mayor's seals to warrants, pursuant to account, affidavit, and 49 Geo. III. cap. xx. (loc. and pers.)	92	14	5
To ditto, to housekeeper of the sessions-house, for supplying grand and petit juries with fires and candles, and cleaning court and jury rooms for six months, ending this term, pursuant to affidavit	10	0	0
To court-keeper of the sessions-house, for supplying grand and petit juries with paper, pens, and ink, and other necessaries for said six months, due ditto, pursuant to like	10	0	0
To the clerks of the peace, for returns made by them to the lord lieutenant of prisoners tried and convicted of criminal offences and misdemeanors in Ireland, in the year 1833	31	10	0

Salaries of Officers.

By a reference to that part of this Report in which we have spoken of the prisons of the city of Dublin, and detailed the Emoluments of the Officers and Servants connected with them; and to that part in which we have stated the presentments made by the quarter sessions grand juries, and also to the above, it will be seen how much the taxation of the city is augmented by presentments to the several officers of the courts and prisons for fees on prisoners, and for the supply of necessaries to the grand juries, and the performance of minor duties. We think it abundantly appears on the inspection of those presentments that this is a mode of providing for the payment of public officers that should be at once abolished; and that the principle of remunerating such officers by fixed salaries, which the legislature has already adopted in the several counties of Ireland, should be also applied to the county of the city of Dublin.

Presentments for other purposes.

142. Besides the presentments above detailed, and those for the use of the prisons of the city, there are several Presentments for Charitable Purposes, and one for the rent of a house for the staff of the city of Dublin militia.

They are as follows, viz.:—

To the treasurer of the Charitable Infirmary, Jervis-street, for half a year's allowance, due ditto, pursuant to 45 Geo. III. c. 3, and 49 Geo. III. c. 56.	£100	0	0
To the treasurer of Mercer's Hospital, for ditto, due ditto, pursuant to like	100	0	0
To ditto, to the treasurer of the Hospital of Incurables, for ditto, due ditto, pursuant to like	100	0	0
To colonel of the city of Dublin militia, for half a year's rent of a house, No. 12, Temple Street, due 1st May, 1834, for the adjutant and stores of said regiment, pursuant to 10 Geo. IV. c. 29.	25	0	0
To a presentment to the Lords of the Treasury, being the proportion of the advance made by them from the Board of Health for the city of Dublin, pursuant to 58 Geo. III. c. 47.	1500	0	0
To Charles M'Carthy, Esq. treasurer of the Dublin General Dispensary, for half a year's allowance, due this term, pursuant to account, affidavit, and 58 Geo. III. and 3 Geo. IV.	76	10	4
To the treasurer of the Sick Poor Institution, Meath Street, for ditto, due ditto, pursuant to like	88	19	6
To the treasurer of the Donnybrook Dispensary, for ditto, due ditto, pursuant to like	50	0	0
In addition to which this sheet contains several presentments to Overseers of roads, foot-paths, walls, sewers, and bridges, &c. at the south side of the city, amounting in the whole to	3595	1	0

There is also a joint presentment made in that term by the city and county grand juries of 553*l.* 8*s.* 7*d.* for the Wide Street Commissioners, to enable them to pay half a year's interest, due the 24th day of June, 1834, on the sum of 36,895*l.* 6*s.* 5*d.* advanced to them by the Lords of the Treasury, as per certificate, pursuant to the 47 Geo. III. cap. lxxiv. (Vide, *post* title "Wide Streets.")

Amount of all Presentments.

The whole amount of the moneys presented by the grand juries of the sessions of Michaelmas, 1833, and of January, 1834, and by the grand jury of Easter Term, 1834, was 16,314*l.* 4*s.* 6*d.* exclusive of the joint presentment above-mentioned. When it is considered—that this is for one half year only, and that, in addition, the wide street tax is levied by the same collectors, and under the authority of the same warrants as the grand jury rates, and that it is, also, exclusive of arrears, whether solvent and to be collected under the old warrants, or insolvent and to be

MUNICIPAL REGULATIONS.

re-applotted and collected from the solvent inhabitants of the respective parishes,—it becomes manifest that this single branch of the local taxes must press with great severity on the poor parishes of the city, which scarcely enjoy any benefit from its outlay; and it will be the less a subject of surprise that the grand jury cess should be the cause of considerable jealousy and complaint, when we state that the whole amount of this tax, for eleven years, commencing in 1764, and ending in 1774, was only 27,000*l.*, of which 9,800*l.* was for building bridges over the river Liffey, 3,000*l.* for building Newgate, and nearly 1300*l.* for transporting felons, an expense which is now borne by the Government, so that only about 13,000*l.* was, during those eleven years, expended on matters that are now the usual objects of Grand Jury presentments; and we may thus calculate the increase of Grand Jury taxation from the year 1774 to the year 1834, in round numbers, as an increase from 1,200*l.* to 32,000*l.* per annum.

Grand Jury Taxes, how levied,

143. The Grand Jury presentments of money to be levied off the city of Dublin are made, as before mentioned, by the grand juries of each of the four quarter sessions of the county of the city, and also by the grand juries impannelled in the Court of King's Bench, at Easter and Michaelmas terms, which are called presenting terms: all the terms are accounting terms. The sums presented at the two quarter sessions next preceding Easter and Michaelmas terms respectively are returned to the treasurer of the city, who lays them before the term grand jury. They are also laid before the Court of King's Bench, with the other presentments; but the grand jury or Court of King's Bench do not appear to possess any control over them, save that they are apportioned amongst the several parishes of the county of the city, together with the moneys presented by the term grand jury.

The mode of making that apportionment is provided for by the 33 Geo. III. c. 56, as amended by the 47 Geo. III. cap. lxxiv. The 33 Geo. III. c. 56, s. 2, directs, that the grand jury shall, in Michaelmas term in every third year, or oftener if necessary, take an account of minister's money payable in each parish, and from thence form a table of the proportions payable by each parish respectively, and present the same as a fit table for applotting the public money. This Act further (s. 4) directs the treasurer, within ten days after Easter and Michaelmas terms respectively, to applot, by said table, the public money on the several parishes; and insert such applotments in warrants, which the lord mayor is empowered and required to sign, and direct and cause to be delivered to the churchwardens of the several parishes, *as had been from time immemorial accustomed.* By the 44th section of the 47 Geo. III. cap. lxxiv., an important alteration is made as to the sums to be inserted in the warrants to the churchwardens; for it directs, that at every Easter and Michaelmas term, after the accounting affidavits, and the presentments authorising or empowering any overseers to expend any sums in executing any public works, shall have been fiated by the court, the inspector of accounts shall make out an account for the city at large; in which he shall make the said city of Dublin the debtor for all sums that have been at former times accounted for and have not been demanded, and for the amount of all sums standing or being the first day of that term in the quære book for the said city at large, and that may be accounted for, and for the amount of all sums that were presented and fiated that term; and shall give the said city credit for such part of the cash in bank as shall belong to the said city at large; and, after having struck the balance, shall apportion it, as near as may be, on the several parishes; and shall in like manner make out a separate account for each parish, adding to the debit side the proportion of the sum each parish is to pay, which was presented on the said city at large in that term; and, having struck the balance at the bottom of the account of each parish, the Grand Jury, on the last day of term, shall present these several balances to be raised on the several parishes, and shall at the same time lay before the Court the several accounts signed by the said inspector—provided that it shall be lawful to fiat all such arrears as the grand jury shall present to be levied on the district or parish where such arrears became due, in addition to the sum presented as the portion each district is to pay of the sums presented that term to be applotted.

The result of this amendment appears to be, that, if the cash in bank to the credit of the city shall amount to more than sufficient to discharge all claims upon it, arising from presentments of previous terms, either then accounted for, or which may thereafter be accounted for, and from presentments of money made and fiated that term, such overplus shall be deducted from the presentments made in that term, and that the balance only shall be apportioned on the several parishes, and inserted in the warrants to be made to the churchwardens.

The 33 Geo. III. c. 56, s. 5, enacts, that the minister and churchwardens shall, within fourteen days after receipt of the warrant, convene a vestry of the inhabitants of their parish, to applot and assess on the several solvent inhabitants of said parish their respective proportions of the public money: and in case the minister, churchwardens, and inhabitants shall, on notice from the treasurer, refuse or omit to assemble and applot, within the time so limited, the proportion of the public money which the said parish is to bear, on the solvent inhabitants, or shall neglect, or refuse to comply with, or carry into execution, any requisition which may be made to them by any grand jury, pursuant to the said Act, for the purpose of applotting and aiding in the collecting of the public money to be levied off the several parishes, it shall be lawful for the Court of King's Bench to fine such minister, churchwardens, or parishioners, in a sum not exceeding 100*l.*, to be levied in the manner and for the purposes in said Act specified. The churchwardens are further directed, by s. 6, within six days after applotment made, to give notice thereof in writing to the treasurer, and to return to him a fair copy of the applotment; or, in default thereof, to be fined, as before, in a sum not exceeding 100*l.*; and the lord mayor is required, by s. 13, at the instance of the treasurer, within ten days after delivery of the applotments, to issue his warrants to the several collectors; which warrants shall continue in force respectively until the whole sums mentioned therein shall have been collected; and shall set forth the sums applotted on the respective parishes, and any uncollected arrears of the last or any former warrant or warrants (which arrears the churchwardens are thereby em-

MUNICIPAL REGULATIONS.

powered to re-applot, and the said collectors to levy and collect), and also the original applotments returned by the churchwardens, or copies thereof: and any collector to whom any such warrant shall be delivered shall immediately proceed to collect the amount thereof from the inhabitants mentioned in the applotment.

The collectors are further directed by the 49 Geo. III. cap. xx., to pay to the treasurer, upon oath, on every Saturday in each week, or on the previous Friday if Saturday shall be a bank holiday, all such sums of money as they shall have received, for which the treasurer is to give them receipts; and if any collector refuse to comply therewith, he or his sureties shall for any such offence forfeit the sum of 50*l.*, to be recovered in the Court of King's Bench as before mentioned.

The collectors are directed by 33 Geo. III. c. 56, s. 25, to close the accounts of their respective warrants four days before the essoign-day of the next Easter or Michaelmas Term, and fully and fairly make up their accounts of receipts and payments, and of such disbursements as they shall necessarily make, and lodge such accounts, signed by them respectively, with the original applotments or attested copies thereof, delivered unto them as aforesaid, together with a list (s. 7,) of the defaulters of that warrant, and an account, verified by affidavit, of all sums received by them under the then warrant, and an account of arrears unpaid of any former warrants; and after they shall have got credit from the treasurer for such arrears, and for all payments made to the treasurer on account of the then warrants, or the arrears of any former warrants, they shall pay their balances respectively to the treasurer.

Solvent and Insolvent Arrears.

Such is the mode of applotting and levying the Grand Jury rates of the county of the city of Dublin, as directed by the Legislature. It has been shown in evidence before us, that very considerable injustice arises to some of the citizens from the conduct of the collectors in making out the lists as to arrears, in which, for the information of the Grand Jury, they distinguish between the Solvent and Insolvent Arrears: the solvent arrears are returned to the collectors with the new warrants to be collected from the individuals owing them, but the insolvent arrears, under the 47 Geo. III. cap. lxxvii., are presented over again to be re-applotted on the parish. The insolvent arrears frequently amount to very considerable sums. It appears that houses are frequently returned in the insolvent list which belong to persons not insolvent, and in which property could be found to discharge the tax. In the instance of Mary's Parish an arrear is alleged to have been occasioned, not alone by incorrect returns of insolvents, but also by a falsification of the applotment-books, which being either in the hands of the collectors or of the treasurer, the parishioners had no means of detecting such frauds. Houses let to poor lodgers are also generally returned as insolvent, though the proprietors are wealthy, and exact the weekly rents from their tenants with the utmost strictness.

It is suspected by the rate-payers that such parts of the arrears as may be collected are not always duly accounted for; and it would appear that the circumstance, of the new warrants containing sums sufficient to discharge all existing claims on the rates without having recourse to the arrears, affords a facility for practices of this description. These several matters, with respect to arrears, are made the subject of very general complaint by the citizens, particularly by the inhabitants of the poorer parishes with regard to the insolvent arrears, where of course a very great burden is thrown on the smaller number of solvent inhabitants, which, with more justice, should be divided amongst the citizens at large.

Minister's Money a defective Test.

Another ground of complaint as to the applotment of the taxes is, that the money is apportioned according to the amount of Minister's Money charged upon each house, which, in consequence of the scale according to which minister's money was originally imposed, as well as the altered value of houses since the making of the valuation at present acted on, renders the minister's money a very fallacious Test of the proportions in which houses should contribute to the public burthens. This subject will be presently more fully noticed in reference to the new valuation of the city.

Parts of County within the Circular Road exempt.

The most serious defect in the assessment of the public money arises from the limited extent of territory upon which the taxes are applotted; that part of the county of Dublin within the Circular Road being, by the Police Act, made part of the county of the city, for the purpose of giving the Magistrates and Courts jurisdiction in criminal cases, and thus, to a very considerable amount, increasing the Grand Jury rates of the county of the city, while it continues exempt from bearing any part of the expense thus occasioned.

Public Money, how kept, disbursed, and accounted for.

144. The mode of keeping, disbursing, and accounting for the Public Money is as follows: the treasurer, on receipt from the collectors on each Saturday, is directed, by the 49 Geo. III. cap. xx. s. 11, to pay same into the Bank of Ireland on or before the Monday following, for which the cashier of the bank is to give him his receipt; and, by the 24th section of the 33 Geo. III. c. 56, if he retains in his hands the sum of 100*l.*, or more, for two days after the time he should pay in the same, the bank being open and ready to receive it, he forfeits, and is bound to pay, as an addition to the public money, the sum of 10*s.* for every day he so retains the said sum of 100*l.* or upwards; and on the first day of each term the treasurer is, by the 49 Geo. III. cap. xx., s. 12, obliged to make oath of the sums received by him from the collectors. The money is paid out by the bank upon drafts drawn in favour of the persons, or their order, entitled to receive it. Such persons are those who have accounted for the expenditure of money presented for public works, or to whom presentments of money have been made and fiated by the courts. The draft is made out by the inspector of accounts, pursuant to the 47 Geo. III. cap. xx., on or before the last day of term, and produced by him to the treasurer of the Grand Jury. Such drafts must be signed by the foreman, and be delivered by the inspector to the treasurer, to be by him delivered to the person or persons in whose favour they are drawn.

The inspector of accounts is directed by the 47 Geo. III. cap. lxxiv. to call on the cashier, or other proper officer of the bank, for the account of the treasurer, signed by that officer, on the essoign-day of each term, and which that officer is thereby directed to give on demand, and which

MUNICIPAL REGULATIONS.

account the inspector must then compare with the treasurer's books and vouchers; and having ascertained what part of the balance in bank to the credit of the city belongs to each parish, shall, on the first sitting-day of term, lay such account before the Grand Jury, and shall personally attend at the Court of King's Bench on the first sitting-day, if not prevented by illness or unavoidable accident, and if so prevented shall depute and send in his place a person, for whom he shall be answerable, to receive all affidavits to ground presentments, which he shall examine, and report any errors therein; and he shall examine all affidavits accounting for the expenditure of money that shall have been delivered to the Grand Jury, and after having received from the clerk of the crown the affidavits on which the presentments so accounted for were grounded, he shall annex the grounding and accounting affidavits together, audit and compare them, and lay them before the Grand Jury with all convenient speed, together with any remarks that may occur to him, to be examined by the Grand Jury, and allowed or disallowed by them; and all such affidavits, together with the presentments that the Jury shall make, shall be laid before the Court of King's Bench on the sitting-day next but two before the last day of term; and all such accounts and presentments shall be returned by the clerk of the crown to the inspector, who is then to make out the drafts as already described, and the inspector is then afterwards, on the last day of term, to deliver to the clerk of the crown all such affidavits and accounts as he shall have received from him and from the Grand Jury, together with the city accounts, to be preserved amongst the records of the office.

The treasurer, as already mentioned, is, on the first day of each term, bound to lay his accounts, on oath, before the Grand Jury; and he is then also to produce the receipts of the overseers whose accounts were allowed, and also the receipts of the several persons to whom any moneys were presented to be paid, and which were allowed by the Court, on the drafts of the inspector, in cases in which the money has not been demanded.

In addition to these several checks provided by the Legislature for the officers who have the management of the public funds, the Grand Jury each term appoint a committee of accounts, consisting of five members, who examine and vouch the treasurer's accounts.

The examination of the accounts of the treasurer by the inspector occupies that officer but a few hours, and it would appear to us that the duties performed by the inspector could be discharged by the secretaries of the Grand Jury without much addition to their official duties.

Power of traversing Presentments.

It was enacted by the 3d and 4th sections of the 29 Geo. II. c. 14, that no Presentment in the Court of King's Bench for raising money should stand absolutely confirmed until the sixth day of the following term, and that the grand jury presentments should be posted up in the Court of King's Bench the first five days of the term next following such presentment "to the end that all persons concerned may have notice thereof, and object against or traverse the same as they shall think convenient, in like manner as hath been heretofore used."

This power of traversing presentments seems now regulated by the 33 Geo. III. c. 56, sec. 56, which does not contain any provision for posting the presentments as required by the 29 Geo. II. c. 14. It enables any person who shall think himself aggrieved by a presentment to enter a traverse to it, either in the term in which it shall be made, or within eight days next after the last day of that term, but requires the person traversing to give security to pay double costs in case the jury shall confirm the presentment. This section provides, that if the jury shall not confirm the presentment, it shall not be lawful for any overseer to proceed to execute it; a provision which seems to imply that the power of traversing here given is confined to cases of presentments to be carried into effect by overseers—such as presentments for roads, &c.

There is now, in fact, no public notice given of the presentments until they are read in court; and, of course, no opportunity given to the citizens to consider their propriety, so as to be enabled to enter traverses in proper time.

Annual Amount of Grand Jury Presentments for Four Years.

The Annual Amount of the Term and Quarter Sessions Grand Jury Presentments of each of the four years ending at Michaelmas term, 1834, is as follows:—

	Term Grand Jury. £	s.	d.	Sessions Grand Jury. £	s.	d.	Total. £	s.	d.
Presentments for 1831 . .	26,235	14	5	3,427	6	8	29,663	1	1
„ 1832 . .	28,663	5	0	3,488	10	1	32,151	15	4
„ 1833 . .	29,780	4	0	3,187	2	0	32,967	6	0
„ 1834 . .	30,528	8	6	3,454	7	2	34,982	15	8

COMMISSIONERS OF WIDE STREETS.

145. The Commissioners of Wide Streets of the city of Dublin were originally established under the Statute 31 Geo. II. c. 19, for making a wide and convenient way from Essex Bridge to the Castle of Dublin.

Statutes relating to. 31 Geo. II. c. 19.

For this purpose certain persons nominated by the Act, together with the lord mayor of the city for the time being, were constituted commissioners; and it was provided that they, and the survivors of them, or any five or more of them, might proceed to carry on the specified work. To enable them to do which, they were by the Act invested with powers of purchasing by private agreement, or of obtaining possession of, by compulsory proceedings, under the valuation of juries, such premises as might be necessary for the purpose.

The Act enabled the commissioners to appoint a treasurer and clerk, and to make them reasonable allowances; and on the death of any commissioner, or his refusal to act, authorised the surviving or remaining commissioners, or any five or more of them, by writing, under their hands and seals, from time to time, to appoint others in their room.

The Act further provided, that if at any time thereafter any sums of money should be granted by parliament for or towards the widening and rendering more convenient any other ways, streets, or passages, within the city of Dublin, or liberties adjoining, that the commissioners,

or the survivors of them, together with such other persons as the lord-lieutenant or other chief governor should appoint, or any five of them, should have and exercise all such powers and authorities, in respect of widening and rendering more convenient all such ways, streets, and passages, for which any sum of money should be so granted, as the said commissioners were by the said Act entitled to have and exercise for the purposes therein specified.

This Act was afterwards amended by the 33 Geo. II. c. 15, which empowered two commissioners to issue the precept for summoning juries and to discharge them, and to sit and act in all matters to be tried by a jury, with as full powers as five might by the former statute have sat or acted; five being still necessary for other purposes. 33 Geo. II. c. 15.

These Acts were further amended by the 7 Geo. III. c. 7, which made provision for the disposal of moneys arising from the purchase by the commissioners of parts of the estates of ecclesiastical corporations, and adds the members of parliament for the city of Dublin for the time being to the commissioners appointed by the former Act. 7 Geo. III. c. 7.

By the 17, 18 Geo. III. c. 27, a sum of 5,000*l.* was granted to the commissioners, to be applied by them in widening the approach from the castle to the Parliament-house; but no permanent funds were placed at their disposal until the Act of the 21, 22 Geo. III. c. 17, granted to His Majesty a duty of 1*s.* per ton upon all coals imported into Dublin, to be paid to the commissioners appointed by the 31 Geo. II. c. 19, to be by them applied, after payment of the salaries of a secretary and clerk (the salary of secretary not to exceed 200*l.* a year, and that of clerk not to exceed 50*l.*), and of the expenses of the Act, in the first place, in making one or more convenient streets from the castle to the Parliament-house, in aid of the sum of 5,000*l.* heretofore granted for this purpose, and afterwards to the making or widening such other ways, streets, or passages through the city, for the improvement of the city, as the commissioners, or any nine or more of them, should appoint; or in widening the several roads and approaches to the city within two miles of the same to such breadth, not less than one hundred feet, as they or any of them should direct. 17, 18 Geo. III. c. 27. 21, 22 Geo. III. c. 17. Coal Duty.

This Act further enabled the commissioners to make assignments, from time to time, of the coal duty and the moneys arising therefrom to persons who might contract for the several works, until they should be paid the amount of the sums contracted to be paid to them, with interest.

This Act, having been passed for a limited period, was afterwards revived and amended by the 23, 24 Geo. III. c. 31, and afterwards, by the 49 Geo. III. c. 72, and 51 Geo. III. c. 10, continued to the 25th of March, 1832, when it was permitted to expire, and the duty ceased. 23, 24 Geo. III. c. 31. 49 Geo. III. c. 72. 51 Geo. III. c. 10.

The commissioners were empowered by the 23, 24 Geo. III. c. 31, to borrow money on the credit of the duty, and to issue debentures payable out of the produce thereof, with interest not exceeding 6 per cent.; or to mortgage or demise the duty as security for the sums borrowed—and, with the consent of the inheritor of the land, to take possession of any premises for the purposes of opening any new streets, notwithstanding existing interests for terms of years, giving one month's notice to the person entitled, and impannelling a jury to value the interest, with like powers as for any street the widening &c. of which money had been granted to the commissioners.

By this Act it was provided that the non-attendance of any commissioner at the meetings of the board for a period of six months should vacate his office, and that a new commissioner should be appointed in his place.

The 26 Geo. III. c. 32, afterwards gave powers to the commissioners to take possession of premises valued, and for which the sums assessed had been either paid to the person entitled, or into chancery, according to the provisions of the former Acts, when the possession was withheld, and it prescribed the mode of doing so. It also empowered the commissioners to order any street to be stopped up, giving reasonable notice thereof, and making compensation to parties injured thereby, according to the valuation of a jury impannelled for the purpose of inquiring into the injury. 26 Geo. III. c. 32.

This Act further provides that three commissioners shall be sufficient to do all acts for which five were required by former Acts, and nine where twelve, and extends their jurisdiction to all places within the circular road, which limits were afterwards by 32 Geo. III. c. 30, further extended to half a mile beyond that road. 32 Geo. III. c. 30.

The Act of the 21, 22 Geo. III. c. 17, was afterwards further amended by the 30 Geo. III. c. 19, which, after reciting that the commissioners had borrowed a sum of 47,500*l.* upon debentures chargeable upon the coal duty, with interest at the rate of 5 per cent., enabled them, for the purpose of paying off that sum, and to carry on further works, to borrow upon debentures any sum not exceeding 100,000*l.*, at interest not exceeding 4 per cent., and made such debentures as the commissioners might issue a charge upon the coal duty, and thereby, and by the 31 of Geo. III. c. 45, provision was made for their payment. 30 Geo. III. c. 19. 31 Geo. III. c. 45.

This Act further enabled the commissioners, if any three of them should deem it expedient, to widen any narrow street where there are waste grounds, or houses going to decay; to value, by a jury, the interests of the several persons in the street, and upon application in writing, by the persons owning, or entitled to two-thirds of the front, or either side of the street, and to assess and applot the whole amount of the valuation on all the owners or proprietors of the ground to the fronts upon both sides of every such street, and in rateable proportions, according to the number of feet running measure which every owner, &c. should have; and in case any owner or proprietor should neglect to pay to the commissioners the sums applotted upon him within six months from the date of applotment, it enabled the commissioners to sell and assign the sums so applotted, and which the owners, &c. had refused to pay, to any persons who would advance the money, and to apply the money so raised in the purchase of such parts of the street, &c., as should be necessary for opening or widening it.

The Act further provided for the reimbursement of such persons as might advance money on

MUNICIPAL REGULATIONS.

the security of the sums applotted and refused to be paid by the owners of the premises, by charging the amount of them, with interest at 6 per cent., upon the premises of such owner in the street, with same security as a mortgaged, and enabling the persons advancing money upon them, if not paid in four years, to levy the amount, with interest, by sale of the premises under a decree of a court of equity, upon a bill filed, as if mortgagees of the interest.

36 Geo. III. c. 54. The commissioners' powers of selling or demising premises, acquired by them under the above Acts, were afterwards, by the 36 Geo. III. c. 54, limited and declared to extend only to the demising, selling, or granting such piece, or pieces of ground, over and above what might be necessary for making wide and convenient streets as should be in their possession at the time of such demise, sale, or grant, and all covenants and agreements made by the commissioners for demising, selling, or granting any piece or pieces of ground not actually in their possession at the time of such covenant or assessment were declared void.

The commissioners having, under the powers given them by the 30 Geo. III. c. 19, borrowed the sum of 77,400*l.* upon debentures chargeable upon the coal duty, and that fund proving insufficient to discharge the sum borrowed, and to execute the purposes of the Act, it

39 Geo. III. c. 53. became necessary to provide further funds for those purposes, and the Act 39 Geo. III. c. 53, was passed, whereby the owners or occupiers of all houses within the city of Dublin and the limits of the circular road were obliged to take out a licence to play at cards in the house, and to pay for such licence certain duties; a further duty was imposed upon persons frequenting club-houses; the amount of sums raised by such duties was vested in the commissioners of wide streets, and they were directed to appropriate the same, in the first place, towards the making a convenient communication from Carlisle Bridge to the Parliament-house, and, in the next place, to the opening a convenient communication from Carlisle Bridge, along the river Liffey, to White's Lane, or George's Quay. To complete these works the commissioners were empowered to borrow a sum of 38,985*l.* 19*s.* 7*d.* upon debentures charged upon the above duties, and payable with interest at the rate of 5 per cent.; but it being found more convenient afterwards to

40 Geo. III. c. 60. raise such sums by treasury bills, it was, by the 40 Geo. III. c. 60, s. 15, provided that the commissioners of the treasury might borrow this, together with a larger sum, then about to be raised for other purposes, upon bills payable at the treasury, and hand the said sum to the commissioners of wide streets, who should, half yearly, out of the duties, make provision for the payment of the interest, and for the principal, if not renewed; and for the purpose of securing such provisions, the duties were, by the Act, charged with the payment of the treasury bills, and, in case of defaults in payment at the Exchequer by the commissioners, the duties were from thenceforth to vest in His Majesty.

40 Geo. III. c. 61. The Act of 39 Geo. III. c. 53, was afterwards amended by the 40 Geo. III. c. 61, in some of the details of the proceedings; one commissioner being enabled to sit and act in all matters to be tried by a jury under it; and the commissioners were empowered to issue debentures, chargeable on the coal duty, for the sum of 22,600*l.*, being the remainder of the sum of 100,000*l.* which they were, by the 30 Geo. III. c. 19, entitled to raise, payable with interest, at the rate of 6 per cent., to be applied by them to the same purposes as the sum of 77,400*l.* already raised under it.

47 Geo. III. cap. lxxiv. Further improvements in the city being considered necessary, and the funds placed at the disposal of the commissioners being quite inadequate to the execution of them, the Local Act, 47 Geo. III. cap. lxxiv., already noticed in our account of the grand jury taxation, was passed; which enacted, that all the powers and provisions of the former Acts should be extended to the carrying the new works into execution, pursuant to a map or plan theretofore made, and deposited with the clerk of the peace; and that the commissioners of wide streets, or any three of them, might proceed therewith; and, to enable them so to do, it was provided, that whenever the commissioners had caused a valuation to be made of any premises necessary to be taken possession of for the purposes of the improvements, that a copy of the inquisition and finding of the jury should be laid before the Court of King's Bench, on the first sitting-day of Easter or Michaelmas term; and that the court should charge and direct the grand jury of the county of the city, and the grand jury of the county of Dublin, to assemble together; and that it should be lawful for them, or twenty-four of them, and they were by the Act required, to present the whole amount of such findings; and that the sums so presented should be raised by two equal instalments, one in Easter term, and the other in Michaelmas, from all the houses and other buildings in the district of the metropolis; and for this purpose, that the said houses might be assessed, respectively, with any sum not exceeding 1*s.* in the pound in the year, on the value of the houses, as valued for the maintenance of the watch establishment.

The Act further directed, that the treasurers of the grand juries, respectively, should include the sums so presented in their warrants delivered to the collectors; and that the collectors should pay the sums, from time to time, as collected, into the Bank of Ireland, to the credit of the commissioners of wide streets.

The collectors were by the Act further required, seven days before the sitting-day of Easter and Michaelmas term, to return to the treasurer of the grand juries respectively, correct lists of the persons by whom the rates, or any part thereof, remained unpaid; and that the treasurers should lay them before the grand juries, who should have power to act, with respect to such arrears, as in respect to arrears of other moneys by them presented.

The commissioners were further by the Act directed to keep separate accounts of moneys levied by virtue of this Act; *and that they should not apply the same, or any part thereof, to any other purpose than those specified in the Act, nor any of the moneys levied under former Acts to the purposes of this.*

The Act enabled the commissioners to borrow any sum of money not exceeding 100,000*l.*, upon the credit of the rates, payable with interest not exceeding six per cent.; and to mortgage

MUNICIPAL REGULATIONS.

the rates for securing the repayment, in manner specified in the Act, which contains a short form of mortgage, and an assignment thereof, for the purpose; and provides for the payment of the interest, by directing that the secretary of the commissioners should, on the first day of Easter and Michaelmas terms, lay before the Court of King's Bench the amount of interest due; and that the court should direct the grand juries to present the whole amount of such interest, to be levied in the same manner as the sums presented under the findings on the inquisitions.

The Act further directs, that any surplus of the sums so raised at any time should be applied in the reduction of the principal; and authorizes the grand jury of the city to present 50*l.*, and that of the county 30*l.*, a year, as salary to the clerk of the commissioners.

57 Geo. II. cap. xxxix.

By a subsequent Act, also local, 57 Geo. III. cap. xxxix., all the powers of the former Acts were extended to the making further improvements in other parts of the city therein specified; the members of parliament for the county of Dublin, for the time being, were added to the board of commissioners; and they were authorized to sue, and defend suits, in the name of their clerk or secretary.

11 Geo. IV. cap. cx.

The same powers were afterwards extended, by the 11 Geo. IV. cap. cx. (local and personal), to certain other intended improvements, also specified in the Act, provided they should be commenced within seven years from the passing of it (17th June, 1830); and it was declared, that the commissioners should not be bound by the finding of any one jury, but might, if they considered the sums found excessive, have the premises valued by a new jury; they indemnifying the persons to whom the finding had been made, all such reasonable costs as they had been put to, in substantiating their claims before the commissioners and jury on the rejected valuation.

Number, &c. of Commissioners.

146. Under the provisions of these several statutes, the present Board of Commissioners for making wide and convenient streets in the city of Dublin is constituted. It consists of Twenty-five Members—viz., the lord mayor of the city of Dublin; twenty individuals appointed by the Lord Lieutenant for life, being the number originally appointed by the 31 Geo. II.; and the members for the city and county of Dublin, who were added by the Acts of the 7 Geo. III. c. 7, and 57 Geo. III. c. 29, above mentioned.

The twenty commissioners, not official, vacate their offices under the provisions of the 23, 24 Geo. III. c. 31, by not attending at the meetings of the board for six months.

Qualifications of.

No Qualification of residence, or otherwise, is necessary in the persons elected; but all the present commissioners are resident in Dublin, or in the neighbourhood.

Meetings of Board.

The Board meets, generally, every Wednesday; and the attendance is very variable. Three are sufficient to act: they have no salary or emoluments.

Officers of.

The Officers are a Secretary,
Clerk,
Engineer,
Law Agent, and
Treasurer.

Secretary.

The Secretary's duties are, at present, confined to the making up the accounts of the coal-fund, and closing them, in consequence of its discontinuance in 1832. Though the duty has ceased, the account is kept open in the books of the commissioners, under the head of the "Coal Duty Fund," there being some premises purchased by the produce of the duty not yet disposed of. He attends the meetings of the board.

His salary is 184*l.* 12*s.* 4*d.* a year.

Clerks, Duties of.

Two persons, at present, hold the office of Clerk, jointly. They do all the duty in respect of the present funds of the commissioners, control the receipt and expenditure, conduct the proceedings, in procuring valuations by jury, and contracts for works, and in fact are also secretaries.

Their salary as clerk is 184*l.* 12*s.* 4*d.*; and they have also allowances, viz.—

For office rents	£23	1	6
For a messenger	9	4	8
For fees on superintending sales of rents, auctions of materials, agency on receipt of rents, &c., amounting together to	52	14	1½

They also receive annually 50*l.* presented by the grand jury of the city of Dublin, and 30*l.* by the grand jury of the county, under the 47 Geo. III. cap. lxxiv. as above mentioned.

They also discharge the duties of civil engineer, for which they receive a salary of 210*l.* a year.

The amount of the several sums paid annually to these officers, under the above heads, is 553*l.* 9*s.* 8½*d.*

Engineer.

The duties of the Civil Engineer are to lay out the intended improvements, to make plans and estimates, and to inspect the works as they proceed. The salary is above mentioned.

Treasurer.

The governors of the Bank of Ireland are Treasurers, and all moneys are paid into the bank to the credit of the commissioners.

Law Agent.

The Law Agent performs the usual duties of a solicitor and attorney to the commissioners, and is reimbursed in the ordinary manner of attorneys, by payment of his bills of costs.

Costs.

The amount of them is very large; the sums paid on account of them in the seven years prior to 1833 were,—

MUNICIPAL REGULATIONS.

	Under the head of Coal Duty.			Under the head of Wide Street Tax.			Total.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1827 ..	791	2	7	424	5	5	1,215	8	0
1828 ..	1,617	2	7	292	0	2	1,909	2	9
1829 ..	1,018	2	8	120	17	10	1,139	0	7
1830 ..	1,223	9	0	656	14	4	1,880	3	4
1831 ..	481	9	5	657	18	10	1,139	8	3
1832 ..	1,289	12	10	643	3	8	1,932	16	6
1833 ..	160	3	9	255	3	8	415	7	5
	£6,581	2	10	£3,050	3	11	£9,631	6	9

Making on an average 1,375*l.* 18*s.* 1*d.* a year.

The above sum of 9,631*l.* 6*s.* 9*d.*, paid to the solicitor, is exclusive of a number of other charges which appear in the accounts of the Commissioners, and which may properly be considered to belong to the head of costs, though entered in the accounts under different heads. These, with the amount paid on account of them during the same seven years, are as follows:—

Compensation to Juries	£1,789	4	0
Counsel's fees	437	13	0
Clerk of Crown's fees	75	14	10
Sums paid to witnesses, &c.	310	5	0
Advertising	853	11	1
	£3,466	7	11

These items, together with the above sum paid to the solicitor, make the amount of law expenses during those seven years 13,097*l.* 14*s.* 8*d.*, or on an average 1,871*l.* 0*s.* 10*d.* a year.

This sum appears very large, but not having had an opportunity of examining the bills of costs, we cannot say whether the expense was necessarily incurred or the charges reasonable in amount.

Some deeds of conveyance, however, of premises, both to and from the Commissioners, were before us, which ran, as we think, in their recitals to very unnecessary length; and it appeared that the concise form of mortgage of the rates prescribed by the Act of Parliament had not, in all cases, been adopted.

Payments to Jurors. The large sum of 1,789*l.* 4*s.*, charged as Compensation to Juries, originates in a practice some time since adopted, and now sanctioned by a resolution of the Commissioners, of paying a guinea a day to all the jurors on the inquisitions. This practice was adopted in consequence of the findings of the juries, who previously served without recompence, being considered very much beyond the value; and it is stated that the public are much benefited by the change, the attendance of a more respectable class of jurors being thus secured, and a necessity of so frequently rejecting the findings prevented.

We had not the means of forming an opinion whether such reasons are sufficient to counterbalance the risk of abuse to which the practice is exposed, there being no control over the sheriff in making up the panel; and it certainly is a practice not sanctioned by any Act of Parliament.

Funds. 147. The only Funds which the Commissioners have at their disposal, since the coal duty ceased in March, 1832, are,—

1. Rents. 1st. The Rents of certain premises purchased with the produce of the duty, for the purpose of making improvements, and not yet disposed of. These amount to the sum of 56*l.* 6*s.* a year.

2. Balance of Coal Duty. 2d. A sum of money remaining in bank, being the balance on the account of sums levied for that duty and not yet expended.

This balance, when the duty ceased, was not of any considerable amount, and, much of the expenses of the establishment which the rents would not extend to pay having been cast upon this fund, it is now almost, if not entirely exhausted.

3. Wide Street Tax. 3d. The Wide Street Tax, being a tax levied under the 47 Geo. III. cap. lxxiv. above mentioned, upon all houses in the city and suburbs, and bearing a certain proportion to the watch tax. This tax produces from 5,100*l.* to 5,500*l.* a year; but complaints are made by the commissioners of Wide Streets of the manner in which it is collected, and they seem to think that it might be made much more productive.

The Act directs, that the Grand Juries of the county of the city and county of Dublin should, by requisitions signed by their treasurer respectively, require the proper officer to furnish to the said treasurer, within twenty days after the end of each term, true and correct lists of all houses or other buildings within the district of the metropolis which then were or thereafter should be liable to be rated towards the maintenance of the watch establishment of the city, and of the valuations according to which such houses or other buildings then were or thereafter should be rated towards the maintenance of that establishment; and also yearly and every year during the continuance of any such half-yearly rate, by like requisition, to be made two calendar months before the sitting-day of Easter term, to require the said officer to furnish to the treasurers respectively, within twenty-one days before the sitting-day of Easter term, true and correct lists of all such houses and other buildings within the respective counties as may have been valued under the authority of any Act of Parliament for regulating the peace establishment of the said district, or of any other law subsequent to the then last return made pursu-

MUNICIPAL REGULATIONS.

ant to this Act; and the said officers were thereby respectively required to transmit to the said treasurers respectively, at the respective times, such lists and returns verified by affidavit: and the Act provides that the said treasurers, respectively, shall make the rates by such lists, and deliver the same to the collectors, who shall collect and account for the same.

By the 23d section, the Grand Jury of the county of the city is empowered to present a sum of money not exceeding 100*l.*, and the Grand Jury of the county any sum not exceeding 50*l.*, at each Easter and Michaelmas Term, for their respective treasurers and secretaries, in such shares as they shall think proper, in consideration of the trouble and expense of the said treasurers and secretaries in making out the said lists and returns, and in drawing and entering the presentments and making out books of collection.

Collection of Wide Street Tax.

The Commissioners of Wide Streets having obtained abstracts of the Accounts of the Collectors of the Wide Street Tax, showing the arrears, both solvent and insolvent, and returns of the collectors of the watch tax, distinguishing also the solvent and insolvent arrears, have found that the arrears of wide street tax, returned as insolvent, bear a much larger proportion to the sums levied under that tax than the arrears of watch tax to the sums levied for the same period, though the Act imposes the wide street tax upon the same houses, and directs the collection to be in the proportion of 1*s.* in the pound on the value as assessed for the watch tax.

The commissioners complain that there is no investigation of the collectors' returns of insolvent arrears; but that the collectors having made oath of the correctness of their returns, the arrears appearing upon them as insolvent are struck out of the collection without further inquiry, and not afterwards claimed. They state, also, that the collectors have been accustomed to include in their returns of insolvents' arrears the amount of the assessments upon certain houses, whose owners are perfectly solvent, but who consider themselves exempted, and are so admitted by the collectors, as holding certain city and parochial offices, and, as such, not liable to the payment of the tax; and they state, that there is no examination of the lists, or of the collection, which continue to be made, year after year, by the same persons whose affidavits are taken as conclusive and satisfactory, without any check or investigation, though the commissioners have made complaints on the subject to the city grand jury.

With respect to the collection in that part of the metropolis which lies in the County of Dublin, the Commissioners state, that they have made application to the grand jury, but have not been able to obtain such documents from them as would enable them to examine into the mode of collection; but they state, that it appeared by books submitted to their inspection by the treasurer of the county, and purporting to be the applotment of the houses in the county of Dublin, subject to wide street tax, that the applotment contained in it was made in the year 1813, and that it appeared by memorandums in it, signed by the treasurer, that additions were made to the list on the 27th May, 1815, 5th June, 1816, and 20th May, 1820, after which time no additions appeared to have been made; and, as the treasurer stated that this book contained the applotment upon which the collection was then made, they complain that the provisions of the 22d and 23d sections of the Act above mentioned (47 Geo. III. cap. lxxiv.) are not complied with, and that by reason thereof houses are not regularly brought into charge when they ought.

The applotment on the county district of the metropolis has continued for the last ten years, each Easter and Michaelmas term, as follows:—

Coolock Barony	£330	5	9
Donore	86	14	2
St. Sepulchre's	133	13	3
St. Patrick's	13	12	0
Newcastle	4	5	2

The sum paid by the collector of Coolock Barony has been 240*l.* each term, without any variation, since Michaelmas, 1826, leaving the same sum, 90*l.* 5*s.* 9*d.*, each term as the amount of insolvent arrears. The collector of Newcastle has not paid any thing for several years, alleging that the owners of houses there many years ago effectually resisted the payment of the tax in that district; warrants have been regularly issued each term since for the collection of the above sum, but no levy has been made.

It appears, we think, that the mode of collection of this tax has not been under such control of the Commissioners of Wide Streets as it should have been, and that the Commissioners have not sufficient, or indeed any, means or opportunity of checking and regulating the collection of the tax, which is now almost their only source of revenue.

The termination of the coal duty and failure of all funds derived from that source of income, upon which the entire expense of the establishment has hitherto been cast (the wide street tax being by the Act allocated to specific purposes), make it quite indispensable that some change should be made in the powers of the Commissioners, if the establishment be continued. The following is a tabular abstract of the accounts of the Commissioners, containing a statement of their income and expenditure for the seven years from 1827 to 1833, distinguishing those relating to the coal duty from those on foot of the wide street tax.

Expenditure.

Tabular Abstract of Receipt and Expenditure of the Commissioners of Wide Streets, Dublin, under the head "COAL DUTY," for Seven Years, commencing with 1827, and ending with 1833.

RECEIPT.

YEARS.	Balance in Bank.	Rent.	Casual.	Ground Rents Sold.	Old Materials Sold.	Coal Duty.	Interest.	Law Ejectment Costs.	Renewal Fines.	Insupers.	Refunded.	Total Receipt.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£.	£. s. d.
1827	5,772 12 10	852 17 2	12 9 8	6,335 14 9	300 0 0	13,772 1 7	1,106 17 2	12 4 10	..	..	..	22,692 5 2
1828	..	603 10 10½	26 10 9	6,050 14 2½	88 0 0	12,415 14 7	..	..	99 14 4	..	..	19,284 4 9
1829	..	421 8 4	..	659 15 0	527 0 0	13,169 1 3	..	12 4 10	3 7 0	1 11 8	..	14,794 8 1
1830	..	405 18 8½	..	581 10 0	5 0 0	14,352 14 7	56 3 8	..	..	..	..	15,401 6 11½
1831	..	698 2 6½	..	2,081 5 0	..	10,788 1 5	..	..	..	..	..	13,567 8 11½
1832	..	991 15 11	..	7,056 14 10	190 0 0	4,864 4 9	..	..	..	..	268	13,129 3 6
1833	..	555 4 7	..	3,418 15 0	334 10 0	..	..	..	..	..	..	4,308 9 7
												£103,177 7 0
											Balance at commencement of 1827 brought down	5,772 12 10
												£108,949 19 10

EXPENDITURE.

YEARS.	Purchase of Premises.	Interest.	Debentures.	Rent.	Compensation to Juries.	Compensation to Measurers giving Evidence of Value of Premises.	Counsel's Fees.	Clerk of Crown's Fees.	Solicitor's Costs.	Paving and Sewers.	Advertising.	Care-takers of Houses bought, and Porters at Sales.	Disbursements not Detailed.	Establishment, including Secretary, Clerks, Surveyor, Fees on Superintending Works, Auctions on Sales of Rents, and Receipt of ditto, and Office Rent and Messenger.	Stamps.	Buildings, Iron Work, &c. &c.	Closing Ancient Light.	Compensation for Removing Projections, Damages.	Printing and Stationery.	Sheriffs' for Precepts and Prostrating Concerns.	Pipe Water.	Notices of Application to Parliament.	Total Expenditure.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s.	£. s. d.	£. s.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£.	£.	£. s. d.	£. s. d.	£. s. d.	£. s.	£. s. d.
1827	9,951 3 3	7,929 2 9	..	253 1 3	..	..	96 12	..	791 10 7	32 1 3	161 18 0	1 14 6	67 1 5	751 15 8	0 17 8	316 16 1	100	..	37 5 0	..	..	..	20,394 7 5
1828	8,038 17 1	6,801 17 4	92 6 2	193 12 0	491 8	79 16 0	71 8	..	1,617 2 7	164 18 11	129 19 9	4 14 6	105 5 0	732 14 10	0 13 5½	195 19 1½	..	..	34 10 6	..	..	..	18,843 9 3
1829	6,672 7 6	6,801 17 4	..	179 19 2	..	3 13 6	40 19	17 2 5	1,018 2 8	4 2 4	116 16 0	12 19 0	0 5 0	700 18 4	17 15 0	239 10 5	..	247	33 1 3	40 19 2	18 13 10	1 7	16,199 17 11
1830	2,585 1 1	6,801 17 4	553 17 0	235 0 3	..	..	50 8	..	1,223 9 0	307 1 2	93 3 0	..	68 11 1	685 5 8½	0 8 8	281 11 2	..	10	95 11 10	..	..	..	12,981 16 3½
1831	381 7 9	6,801 17 4	..	184 1 0	289 16	44 2 0	35 14	37 17 4	491 8 5	163 15 8	42 6 0	..	4 15 4	699 11 11½	0 12 8	109 15 2	..	..	45 16 1	..	..	..	9,337 11 8½
1832	20,816 3 7	3,400 8 8	..	202 14 1	..	..	..	..	1,289 12 10	9 12 4	85 5 0	4 11 7½	18 13 0	736 11 6½	..	29 16 10	..	..	37 18 1	10 10 0	..	..	26,677 12 4
1833	2,284 12 6	..	..	154 2 4	..	..	..	..	160 3 9	6 7 4	51 7 0	7 10 0	27 17 6	701 0 0½	0 8 6⅓	77 0 7	..	..	21 4 11	..	..	..	3,491 14 2
																							£107,926 9 1
																						Balance	1,023 10 9
																							£108,949 19 10

Balance per Account furnished £1,021 14 3
Error in Account of 1830 . . 0 7 6
Ditto Ditto 1832 . . 1 9 0
£1,023 10 9

Tabular Abstract of Receipt and Expenditure of the Commissioners of Wide Streets, Dublin, under the head "WIDE STREET TAX," for Seven Years, commencing with 1827 and ending with 1833.

RECEIPT.

YEARS.	Balance in Bank.	Wide Street Tax.	Sale of Rents.	Produce of Sale of Building Materials.	Total Receipt.
	£. s.	£. s. d.	£. s. d.	£.	£. s. d.
1827	3,050 9	5,095 8 5	..	154	5,249 8 5
1828	..	5,122 14 1	..	..	5,122 14 1
1829	..	5,110 1 11	..	200	5,310 1 11
1830	..	5,142 19 8	..	198	5,340 19 8
1831	..	5,154 15 6	1,206 3 1	90	6,450 18 7
1832	..	5,154 11 5	2,000 0 0	127	7,261 11 5
1833	..	5,577 4 4	..	..	5,577 4 4
	£	36,337 15 4	3,206 3 1	769	40,312 18 5
	Balance in Bank at close of 1826, as above,				3,050 9 0
					£43,363 7 5

EXPENDITURE.

YEARS.	Purchase of Premises.	Interest to Government.	Interest to Individuals.	Rent.	Compensation to Juries.	Compensation to Measurers giving Evidence of Value of Premises.	Counsel's Fees.	Clerk of Crown's Fees.	Solicitor's Costs.	Costs in Case of Gorman Commissioners.	Enclosing Ground, new Avenues, and Forming and Shingling Square.	Advertising.	Care taking Houses Bought, and Porters attending Sales.	Disbursements.	Clerk and Surveyor, Fees on Superintending Works, Auctions and Sales of Rents.	Total Expenditure.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s.	£. s. d.	£. s.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1827	4,850 6 3	1,106 17 2	..	..	..	..	31 10	..	424 5 5	45 19 4	10 7 1	..	2 2 6	0 4 8	7 14 0	6,479 6 5
1828	2 15 4	1,106 17 2	..	..	..	33 12 0	33 12	..	292 0 2	54 8 4	..	..	..	..	..	1,523 5 0
1829	1,846 3 1	1,106 17 2	..	..	302 8	21 10 6	34 13	..	120 17 10	..	41 11 6	..	..	..	12 1 6	3,486 2 8
1830	5,180 11 9	1,106 17 2	69 4 7	54 6 10	..	..	10 10	..	656 14 4	..	..	..	1 9 6	..	9 18 0	7,089 12 2
1831	6,861 1 2	1,106 17 2	..	4 12 4	315 0	65 2 0	12 12	20 15 1	657 18 10	..	501 12 3	74 8 0	..	16 11 0	35 7 7	9,671 17 5
1832	3,876 15 7	1,106 17 2	..	4 12 4	390 12	72 9 0	19 19	..	643 3 8	..	60 11 0	33 8 6	0 12 6	0 4 8	38 5 0	6,247 0 4
1833	2,923 17 7	1,106 17 2	..	14 8 0	..	..	..	..	255 3 8	..	61 11 5	..	..	11 15 2	..	4,373 13 0
	25,541 10 9	7,748 0 2	69 4 7	77 19 6	1,008 0	192 13 6	142 16	20 15 1	3,050 4 0	100 7 8	675 3 2	107 16 6	4 4 6	28 15 6	103 6 1	38,870 17 0
													Balance remaining in Bank at close of 1833,			4,492 10 5
																£43,363 7 5

MUNICIPAL REGULATIONS.

By this statement it will be seen that the balance of the sums received on account of coal duty remaining in the hands of the commissioners, at the end of the year 1833, was but 1,023*l.* 1*s.* 9*d.*, and is now probably quite exhausted.

The only observations which the particulars of the expenditure seem to require have been already made in speaking of the solicitor's costs.

Debt.

The interest payable to government is upon a sum of 36,895*l.* 6*s.* 5*d.*, which was borrowed from individuals upon the security of the wide street tax, payable with interest at 6 per cent. Government afterwards advanced money to pay off the debt at 3 per cent., and a sum of 558*l.* 8*s.* 7*d.* is presented by the grand juries of the county of the city and county of Dublin at each Easter and Michaelmas term to pay the interest.

These sums, together with the others, presented as instalments, of the sums found from time to time by the valuation juries pursuant to the Acts, amount annually to from 5,100*l.* to 5,500*l.*, being the full amount of 1*s.* in the pound on the value of houses, according to the valuation of the watch tax establishment in the city, the maximum of the rate which the commissioners are empowered to levy.

Some of the improvements, specified in the several Acts of Parliament, have been long since completed, some are still in progress, and others are yet in contemplation.

VALUATION OF THE CITY for Local Taxation. Minister's Money.

The taxes we have mentioned, and some other local charges on the city of Dublin, the chief of which is the pipe-water rent hereinafter noticed, are assessed in certain proportions on the houses in the city, chiefly in reference to the charge called Minister's Money. We have specified some of the proportionate rates in our account of the watch tax, paving tax, &c. It is usually computed that each house, under the various assessments for local taxation, is liable to taxes in the proportion of 1*l.* to each shilling of the minister's money at which it is rated. Thus, a house rated at 10*s.* minister's money, is computed to be liable in the whole to 10*l.* a year for this and the other objects of local taxation. This is in fact rather higher than the exact amount; but it shews the effect of the principle hitherto adopted. To that principle very serious objections apply, and have been repeatedly urged whenever the local taxation of Dublin has been made a subject of consideration.

The charge for minister's money was first established in the year 1665, by the Irish statute, 17, 18 Car. II. c. 7.

This statute enables the lord-lieutenant, or chief governor, and six ormore of the privy council of Ireland, to allot any sums to be paid to the respective incumbents within the city and suburbs of Dublin, and liberties thereto adjoining (and other cities and towns corporate), who have actual cure of souls in each parish, out of each house and houses belonging to the parish, whether by apportioning the said money and payments according to the yearly value of each house or otherwise, so as the same exceed not twelve-pence for every pound of the yearly value of each house—such yearly value to be intended as the same shall be valued on oath by persons to be authorized by commission under the great seal, by direction of the lord-lieutenant, &c. for the time being; in which valuation, if it shall happen that any house shall be valued above 60*l.* per annum, yet the commissioners are to return such house, but at 60*l.* per annum.

Under this statute, valuations have been made from time to time in the several parishes; and on those valuations the rates of other local taxes are founded. Many of these valuations are of very early date, and were made in some of the parishes, when they in fact were the chief residences of the better and more opulent classes. Changes of times and fashion—the natural decay of buildings—and the progress of improvement in more modern parts of the city—have produced in almost all the ancient districts a gradual deterioration in the value of the houses, and a serious change for the worse in the condition and ability of the classes which inhabit them. The valuations for minister's money remain, however, unchanged; and it in consequence happens that the utmost inequality of taxation prevails throughout the city, especially in the ancient and most impoverished districts. The pressure of this inequality has a tendency to aggravate the evil which produces it, and to depress still lower the value of property thus encumbered.

From the excessive valuations for minister's money, many houses are rated for taxes on a scale which their occupiers are quite unable to discharge, and, nominally presenting a large assessment, they are really unproductive.

New Valuation.

The mischief and injustice of this system have been long complained of, and at length, in the year 1824, on the recommendation of the committee of the House of Commons on the local taxation of Dublin, in 1822 an Act of Parliament was passed (5 Geo. IV. cap. cxviii. local and personal) for the purpose of having a New and General Valuation of houses in the city of Dublin.

Commissioners were appointed under this Act, who completed their valuation to the 20th October, 1828, and returned it to Government on the 18th June, 1830. It has been since printed by order of the House of Commons, 7th January, 1833; but no effective steps have yet been taken to act on it in the redress of the grievances we have noticed.

The following are some of the general results of the valuation:—

Parishes, &c.	No. of Houses.	Valuation.	Minister's Money as rated.	Proportion of Minister's Money to Valuation.
St. Peter	2,260	£124,165	£1086	1-115th
St. Mark	1,076	38,592	330	1-117th
St. Anne	785	56,812	588	1-95th
St. Andrew	731	46,022	529	1-87th
St. John	291	9,846	118	1-83d
St. Werburgh	214	11,602	200	1-58th
St. Bridget	732	23,377	286	1-81st
St. Michael	112	3,670	50	1-73d
St. Nicholas Within	103	3,929	38	1-101st

Parishes, &c.	No. of Houses.	Valuation.	Minister's Money as rated.	Proportion of Minister's Money to Valuation.
St. Nicholas Without	871	18,226	207	1-88th
St. Patrick's Liberty	123	3,027	(Extra parochial.)	
St. Audeon	426	19,399	220	1-88th
St. Catherine	1,264	31,921	395	1-80th
St. Luke	337	7,654	92	1-83d
St. James	625	13,176	109	1-120th
St. Thomas	1,373	65,537	684	1-95th
St. George	1,261	63,900	628	1-101st
St. Mary	2,018	91,895	974	1-94th
St. Michan	1,464	43,568	488	1-90th
St. Paul	786	21,632	255	1-83d
Grange Gorman	472	6,102	(Not rated to Minister's Money.)	
	17,324	704,752	7,277	

Average proportion of minister's money to amount of valuation, omitting Patrick's Liberty and Grange Gorman, nearly 1-97th.

Average value of all the houses in each parish, according to the rate of valuation adopted by the commissioners, and number of houses not rated over 10*l.* annual value in each parish :—

	Average Value.	Not valued above 10*l.*	Proportion of such Houses to the whole.
St. Peter	£55 5 0	397 about	1-6th
St. Mark	35 17 3	235 „	1-4th
St. Anne	73 18 8	17 „	1-46th
St. Andrew	62 19 1	17 „	1-43rd
St. John	33 16 8	36 „	1-8th
St. Werburgh	58 0 2	7 „	1-30th
St. Bridget	311 8 8	66 „	1-11th
St. Michael	32 15 4	17 „	1-6th
St. Nicholas Within	38 2 10	8 „	1-13th
St. Nicholas Without	20 16 2	217 „	1-4th
St. Patrick's Liberty	24 12 2	31 „	1-4th
St. Audeon	45 10 9	59 „	1-7th
St. Catherine	25 5 0	352 „	1-7th
St. Luke	22 14 3	111 „	1-3rd
St. James	21 1 7	264 „	5-12th
St. Thomas	47 14 7	221 „	1-6th
St. George	50 13 8	293 „	1-4th
St. Thorny	45 10 9	192 „	1-10th
St. Michan	29 15 2	252 „	1-6th
St. Paul	27 10 5	180 „	1-4th
Grange Gorman	12 18 6	249 „	1-2d
Average valuation of all the houses in the several parishes		£ 40 13 7	
Total number not valued over 10*l.*		3,211 0 0	

By the 12th section of the Act the commissioners were directed to distribute and divide all the houses and premises valued by them "into such number of classes or divisions as the several gradations in value of such houses and premises shall, in the opinion of the commissioners, render necessary, not exceeding twenty classes in the whole."

They accordingly divided the houses, &c. into twenty classes, according to the following gradations. We annex the total number of houses returned in each class :—

Class.	Gradation.	Total Number of Houses in each Class.
1.	Houses exceeding £300 annual value	45
2.	„ above 250 and to £300 inclusive	21
3.	„ „ 200 „ 250 „	61
4.	„ „ 150 „ 200 „	25
5.	„ „ 125 „ 150 „	270
6.	„ „ 100 „ 125 „	383
7.	„ „ 80 „ 100 „	691
8.	„ „ 70 „ 80 „	545
9.	„ „ 60 „ 70 „	936
10.	„ „ 50 „ 60 „	1,141
11.	„ „ 45 „ 50 „	858
12.	„ „ 40 „ 45 „	834
13.	„ „ 35 „ 40 „	1,176
14.	„ „ 30 „ 35 „	1,138
15.	„ „ 25 „ 30 „	1,240
16.	„ „ 20 „ 25 „	1,315
17.	„ „ 15 „ 20 „	1,332
18.	„ „ 10 „ 15 „	1,860
19.	„ „ 5 „ 10 „	1,657
20.	„ at and under 5	1,554

199

MUNICIPAL CORPORATIONS,
(IRELAND.)

APPENDIX

TO THE FIRST

REPORT

OF THE

COMMISSIONERS.

PART I.

SOUTHERN, MIDLAND, WESTERN, AND SOUTH-EASTERN CIRCUITS, AND PART OF THE NORTH-EASTERN CIRCUIT.

Presented to both Houses of Parliament by Command of His Majesty.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HIS MAJESTY'S STATIONERY OFFICE.
1835.

INDEX.

SOUTHERN CIRCUIT . . . . . page 1
MIDLAND CIRCUIT . . . . . „ 115
WESTERN CIRCUIT . . . . . „ 273
SOUTH-EASTERN CIRCUIT . . . . . „ 445
NORTH-EASTERN CIRCUIT . . . . . „ 641

NAME OF PLACE.	CIRCUIT.	Page.
Antrim . . . Antrim	N. E.	643
Ardee . . . . Louth	N. E.	649
Ardfert . . . Kerry	W.	275
Armagh . . Armagh	N. E.	669
Askeaton . . Limerick	W.	281
Athboy . . . Meath	M.	117
Athenry . . Galway	W.	285
Athlone . Westmeath and Roscommon	M.	123
Athy . . . Kildare	M.	139
Ballinakill . . Queen's	M.	147
Baltimore . . . Cork	S.	3
Baltinglass . Wicklow	M.	151
Banagher . . . King's	M.	155
Bandon Bridge . Cork	S.	5
Bangor . . . Down	N. E.	687
Bannow . . Wexford	S. E.	447
Belfast . . . Antrim	N. E.	695
Blessington . Wicklow	M.	161
Callan . . . Kilkenny	S. E.	449
Cariesfort . . Wicklow	S. E.	455
Carlingford . . Louth	N. E.	735
Carlow . . . Carlow	M.	163
Carrickfergus Carrickfergus (Town)	N. E.	741
Cashel . . . Tipperary	S. E.	459
Castlebar . . . Mayo	W.	293
Castle-Martyr . . Cork	S.	11
Charlemont . Armagh	N. E.	789
Charleville . . . Cork	S.	15
Clonmel . . . Tipperary and Waterford	S. E.	477
Clonmines . . Wexford	S. E.	491
Cloughnakilty . . Cork	S.	19
Cork . . . Cork (City)	S.	25
Dingle . . . . Kerry	W.	297
Doneraile . . . Cork	S.	59
Downpatrick . Down	N. E.	795
Duleek . . . Meath	M.	171
Dungarvan . Waterford	S.	61
Ennis . . . . Clare	W.	307
Enniscorthy . . Wexford	S. E.	493
Feathard . . Wexford	S. E.	507
Fethard . . Tipperary	S. E.	499
Fore . . Westmeath	M.	175
Galway . . . Galway (Town)	W.	315
Gorey, or Newborough Wexford	S. E.	509
Gowran . Kilkenny	S. E.	515
Harristown . . Kildare	M.	177
Inistioge . . Kilkenny	S. E.	519
Irishtown . . Kilkenny (City)	S. E.	531
Kells . . . Meath	M.	179
Kilbeggan . Westmeath	M.	189
Kildare . . Kildare	M.	195
Kilkenny . . Kilkenny (City)	S. E.	531
Kilmallock . Limerick	S.	67
Kinsale . . Cork	S.	73
Knocktopher . Kilkenny	S. E.	553
Lanesborough . Longford	W.	335
Limerick . . Limerick (City)	W.	339
Lismore . Waterford	S.	85
Mallow . . . Cork	S.	89
Maryborough . Queen's	M.	201
Middleton . . . Cork	S.	93
Naas . . . Kildare	M.	211
Navan . . . Meath	M.	225
Newcastle . . Dublin	M.	233
New Ross . . Wexford	S. E.	555
Old Leighlin . Carlow	M.	235
Philipstown . King's	M.	237
Portarlington . Queen's and King's	M.	243
Rathcormac . . Cork	S.	97
Ratoath . . Meath	M.	255
Roscommon. Roscommon	W.	413
Swords . . Dublin	M.	257
Taghmon . . Wexford	S. E.	569
Tallagh . Waterford	S.	99
Thomastown . Kilkenny	S. E.	571
Tralee . . . Kerry	W.	419
Trim . . . Meath	M.	263
Tuam . . . Galway	W.	429
Tulsk . . Roscommon	W.	443
Waterford . . Waterford (City)	S. E.	577
Wexford . . Wexford	S. E.	619
Wicklow . . Wicklow	S. E.	633
Youghal . . . Cork	S.	103

ERRATA.

In page 173, for 15th December 1338, 11 Edward III. p. 1. m. 3, *read* 15th September 1824, 12 Edward I., Rot. Antiquiss. art. 9.

„ 461, line 20, *for* 15 Henry III. *read* 13 Henry III.; and in page 467, the sums should be

£.	s.	d.
59	5	0
700	0	0
89	1	6
177	8	6
£1,025	15	0

201

REPORTS

FROM

THE SOUTHERN CIRCUIT.

CONTENTS.

COUNTIES.

CORK.	LIMERICK.
CORK, (City).	WATERFORD.

TOWNS.

1. Baltimore	County of Cork.
2. Bandon Bridge	Ditto.
3. Castle Martyr	Ditto.
4. Charleville	Ditto.
5. Cloughnakilty	Ditto.
6. Cork	County of the City of.
7. Doneraile	County of Cork.
8. Dungarvan	County of Waterford.
9. Kilmallock	County of Limerick.
10. Kinsale	County of Cork.
11. Lismore	County of Waterford.
12. Mallow	County of Cork.
13. Middleton	Ditto.
14. Rathcormac	Ditto.
15. Tallagh	County of Waterford.
16. Youghal	County of Cork.

Commissioners.

ACHESON LYLE, Esq.
PHILIP FOGARTY, Esq.

REPORT

ON

THE BOROUGH OF BALTIMORE.

BOROUGH OF BALTIMORE.

LIMITS. 1. THE Limits of the ancient Borough of Baltimore are not easily described by local marks. They embraced a part of the Manor of Baltimore, extending for about a quarter of a mile round the town by land.

Right to return Members to Parliament. 2. It returned two Members to the Irish Parliament, the Right of voting being in householders resident within the limits of the borough, and the seneschal of the manor being the returning officer. The borough is the property of Lord Carberry; and a sum of £15,000 was awarded to him at the Union, as compensation for the loss of the power of sending Members to Parliament.

CHARTERS. Of James I. 3. A Charter of incorporation was granted to the inhabitants, dated the 25th March, 11 James I., (A. D. 1613,) enrolled in Chancery (Rot. Pat. 11 Jac. I. p. 1, m. 1;) the corporation to consist of a sovereign, 12 burgesses, and a commonalty; the sovereign and burgesses to have the return of the Members to Parliament. Power was given to hold a Court of Record before the sovereign in personal actions not exceeding five marks; it contained the provisions usual in other charters of the same year.

Of James II. Another charter is extant of the 9th April, 5 James II., (A. D. 1689,) enrolled in Chancery, (Rot. Pat. 5 Jac. II. p. 2, m. 1,) which date is after the accession of William III. It recites that the provost, free burgesses, and commonalty had enjoyed many privileges, which had been seized into the King's hands by a judgment of the Exchequer.

CORPORATION, extinct. There is now no trace of a corporation, or any corporate officers in existence in the town.

Water Bailiff. 4. The only official person within it at present is a Water Bailiff, who is appointed by Lord Carberry, the lord of the manor, and, by his authority collects certain dues from all vessels not belonging to the port of Baltimore, which come into it, whether they discharge or not, viz.

Dues.

	s.	d.
From every hooker - - - - -	1	0
From every sloop or schooner - -	2	6
From every brig - - - - -	3	6
From every ship - - - - -	4	6

And from foreign vessels, double the above dues.

Emoluments of. These dues amount to about £8 per annum, and are taken by the water bailiff for his own use, being the only salary or Emolument which he has. The right to take them has been sometimes resisted, but the tolls being of small amount, and the custom of taking them ancient, the claim is generally yielded to.

Duty of. 5. The only Duty which the water bailiff has to perform is to keep up a perch upon a hidden rock within the harbour.

Quayage. 6. Vessels discharging at a pier built in the harbour, near the town, are also liable to the payment of a small sum for Quayage. This is collected by a person also appointed by Lord Carberry, without salary, and the amount, not more than 30*s.* in the year, is laid out in repairs of the pier.

Port, Limits of. 7. The Port of Baltimore, within which the above dues are collected, extends up to Skibbereen, in one channel of the arm of the sea which forms it, and to Ballinahole and Bowingwater, in the two others.

Manor Court. 8. A Court for the Manor of Baltimore was formerly held in the town, before the seneschal, but has lately been removed to a more central part of the manor; and no courts or sessions of any kind are now held in the town.

FAIRS, &c. 9. There are no Fairs or Markets held in it, nor is there any police, nor any local charities.

POPULATION and STATISTICS. There are between fifty and sixty vessels above fifteen tons burden belonging to the port, and a considerable coasting trade, consisting principally of the export of corn and potatoes, is carried on; but most of this is from Skibbereen, and other places higher up the channel than the town of Baltimore.

There is no manufacture, and the town is very poor, and does not seem to be improving.

The following Return includes a village of the same name, situate near, but not within, the limits of the ancient borough, the inhabitants of which cannot be more than 200:

Population: males 230; females 229. Total	459
Families employed in agriculture - -	20
„ „ trade - - -	13
„ not comprised in those classes -	53
Number of houses - - - - -	77

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 26th of September 1833.

205

REPORT

ON

THE BOROUGH OF BANDON BRIDGE.

CONTENTS.

	Page
CHARTER	7
Style	7
LIMITS	7
CORPORATION, Component Parts of	7
Freedom, how acquired	7
Freemen, Election of	7
Exclusiveness of Corporation	7
Freemen, Qualification of	7
Number of	7
Common Council	7
Burgesses	7
Provost	7
Town Clerk	8
Serjeants at Mace	8
Officers' Salaries	8
Court of Record	8
Manor Courts	8
Gaol	8
Streets, Repair of	8
School	8
Charities	8
PROPERTY	8
Lands	8
Tolls	9
Patronage	9
POPULATION	9
REMARKS	9

BOROUGH OF BANDON BRIDGE.

1. THIS town was incorporated by Charter, dated the 13th March, 11 James I. (A. D. 1613, 14,) enrolled in Chancery, (Rot. Pat. 11 Jac. I. p. 1, m. 33.) CHARTERS. James I.

Letters patent of the 14th February, 19 Charles II., (A. D. 1666, 67,) enrolled in Chancery, (Rot. Pat. 18th Car. II. p. 5, m. 37,) granted to the corporation the lands of Rine and Lackyduffe, 365 acres; Maule Macredmond, 80 acres; Richardstowne, 66 acres; Cocawmore and Ballereagan, 201 acres; Ballyglanney, 101 acres; in Pallice, 6 A. 3 R. 8 P.; all in the baronies of Ibane and Barriroe, in the county of Cork, for the only use of them and their successors for ever, at the yearly rent of £12 11*s.* 5*d.* Charles II.

There is also a charter of the 28th February, 4 James II., (A. D. 1688,) enrolled in Chancery, (Rot. Pat. 4 Jac. II. p. 1, m. 35, d.) founded upon a seizure of the franchises into the King's hands, under a judgment of the Exchequer; but this, like others of the same class, is not operative. James II.

2. The Style of the corporation is "The Provost, Free Burgesses, and Commonalty of the Borough of Bandon Bridge." Style.

3. The Limits of the ancient Borough were small, containing about 26 acres on each side of the river, and not extending in some places more than four or five hundred yards from the bridge, which is now the middle of the old town; these limits do not include all the town as now built upon. It is situated in two parishes, on the south side in the parish of Ballymoden, and on the north in Kilbrogan, and is entirely the property of the Duke of Devonshire. The new limits for the purpose of parliamentary representation, include the whole town as built upon, except an inconsiderable part, which is going to decay, and does not contain any house of £10 annual value. Ancient LIMITS of Borough. New Limits under Boundary Act.

4. The Corporation consists of a provost, 12 burgesses, and an unlimited number of freemen. Component Parts of CORPORATION.

5. The Freedom of the Corporation is acquired by grace, by birth, the eldest sons of freemen being entitled to it, and by gift or nomination of the provost, each provost having the right to nominate one freeman in his year of office. The corporation does not now recognise any title to the freedom as acquired from the service of apprenticeship, nor has it done so for many years, though it is quite clear that such a title formerly existed, as there are many entries on the corporation books of persons admitted freemen by virtue of servitude, and many bye-laws regulating the mode of acquiring it. There are some entries and bye-laws showing that the right by birth was at one time extended to all the sons of a freeman, though it is now in practice confined to the eldest son. Freedom of Corporation, how acquired.

The Freemen are elected by the body at large, assembled in a Court of D'Oyer Hundred convened by notice, by a majority of the voices of the persons present. Such is the mode of election, but it seems for many years past to have been used as a mere form, the persons to be proposed and admitted having been always previously agreed upon on consultation with Lord Bandon, who for many years has had the exclusive management and control of the affairs of the corporation, nominating both the freemen and corporate officers, whose salaries he has always hitherto paid, since the property which formerly belonged to the corporation was parted with. Freemen, how elected.

6. The Corporation has for many years been strictly exclusive and protestant, and for the purpose of preserving it so, a form of election has been instituted and retained before the admission of all persons, even of those entitled to the freedom, it being necessary that such persons should be proposed and seconded in the Court of D'Oyer Hundred, a preliminary which a freeman, considered objectionable by the body, might find it difficult to accomplish. Corporation, Exclusiveness of.

7. The Provost may exercise his right of nomination at any court of the corporation, and the person so nominated is admitted without any election. How nominated, by Provost.

No Qualification of residence or otherwise is considered necessary in persons admitted to the freedom, and the stamp duty is the only expense incurred on admission, but some small gratuity is occasionally paid by freemen, on being sworn in, to the town clerk and serjeants at mace. It will be seen, however, by a copy of bye-laws herewith sent, that the town clerk was entitled to the fees therein mentioned. The Number of Freemen at present is 204, of whom about 78 are resident in the town or within seven miles of it, the remainder at a greater distance. No Qualification necessary. Present Number of Freemen.

8. The Common Council is a body not mentioned in the charter, but is constituted by virtue of a bye-law of the corporation, bearing date the 16th of March 1621, in consequence, as stated in it, of the number of burgesses not being sufficient to advise the provost. The number of common councilmen is 12, who are elected by the entire body from amongst the freemen as vacancies occur. They have no duties or emoluments or other privilege than being the class from whom the burgesses are elected. They incur no expense on election. Common Council.

BANDON BRIDGE.

Burgesses, their Election.

Privileges.

9. The Burgesses are 12 in number, exclusive of the provost, and are elected from amongst the common councilmen, as vacancies occur, by the provost and burgesses at an assembly of those persons convened for the purpose. Of the present number two only are resident within the old borough. They have no duties or emoluments, nor other privilege than that the provost must be elected from amongst them. They appear by the corporation books to have been, as well as the common councilmen, removable for misconduct, but no such case has lately occurred. The provost was formerly reckoned of the number of the twelve burgesses, and a bye-law of the year 1622 appears on the books, afterwards re-enacted in 1740, so settling the number, but it was soon departed from, as would appear by a list in the corporation books of the date of the 1st of August 1748, containing the names of a provost and twelve burgesses exclusive.

Provost, Election of. His Duties. Privileges.

10. The Provost is elected annually from amongst the burgesses and by them. He is changed every year, but two persons, Lord Bandon's brother and his land agent, have held the office for a number of years, being elected alternately. He is by charter a justice of the peace within the borough, and is named in all commissions of the peace for the county. He preserves the peace within the borough, and regulates the markets, but since the Court of Record was given up, has little duty, and no emolument except a salary of £100 a year, which has been hitherto paid by Lord Bandon, but is not to be paid in future by him.

Other Officers and their Emoluments.

Their Duties.

11. The other Officers of the corporation are a town clerk and two serjeants at mace. They are elected by the provost and burgesses, and have salaries; the town clerk 40 guineas a year, hitherto paid by Lord Bandon, and the serjeants £5 each, paid by the provost. Their Duties are the ordinary duties of such officers, and they have no other emolument, but the occasional payments to the town clerk and serjeants at mace already mentioned to be made by freemen on their admission.

Salaries.

12. The Salaries of the different officers of the corporation have hitherto been paid by Lord Bandon in consideration of his having the entire political influence in the borough, but within the present year (1833) his lordship communicated to the corporation that he would no longer interfere; and in the terms of the communication "discharged them of the trust" which they held for him, at the same time apprizing them that he would no longer continue to pay the salaries of the officers. The corporation have not yet determined how their affairs are to be managed, though they have hopes that means will be devised for keeping up the body. The reason for this change is stated to have been that Lord Bandon found himself, since the passing of the Reform Act, unable to fulfil some engagement, concerning the political influence in the borough, which his father had made with the Duke of Devonshire, the members of the corporation and the electors not being willing to accede to his wishes on the subject.

Court of Record.

Manor Courts.

Gaol.

13. A Court of Record was formerly held in the borough with jurisdiction to the extent of £3 6*s*. 8*d*., but has been discontinued since the passing of the Act for preventing arrests of the person for sums under £20. The only case tried in the time of the present town clerk, is one in which the costs taxed against the defendant amounted to £4 5*s*. 1½*d*. No other court is held in the town but the General Quarter Sessions of the Peace for the County, and two Manor Courts, whose mode of administering justice appears to prove the necessity of making a thorough alteration in such jurisdictions. There is no Gaol in the town but a county bridewell, nor is there any local police, unless the serjeants at mace may be so considered. The county police do the duty.

Streets.

14. The Streets of the old borough are repaired by the Duke of Devonshire, who is reimbursed by a poundage of 5 per cent. on the rent reserved in all leases of houses in the old town. They were formerly repaired out of the funds of the corporation. There is no lighting, and the watching is done by voluntary subscription. The town is assessed by the grand jury of the county.

Endowed School.

15. There is a School within the town which was endowed by the first Earl of Cork, with a grant of a house and garden, and £20 a-year. The salary is now £40 per annum, paid to the master by the Duke of Devonshire. The terms of the original endowment were that the master should educate four sons of freemen of the town of Bandon, gratis; but the present master has not been put under such conditions; on the contrary, he objected to any such when he took the situation. He does, however, educate some boys gratis, though it does not appear that it is done pursuant to the terms of the endowment.

Charities.

16. Several sums of money have from time to time been bequeathed for the benefit of the poor of the town, which are charged upon lands, or secured by bond. These bequests were stated to us to be confined to the Protestant poor, and the interest is expended annually amongst that class, under the direction of the rectors of the two parishes in which the town is situate.

PROPERTY.

17. The corporation had formerly considerable Property in lands granted to them by the patent of Charles II., but they have no copy of it, nor do the members seem at all acquainted with its contents. Indeed, the ignorance of all the members of the corporation, both as to the constitution of the body, and every subject relating to its former property and revenue, is very remarkable; nor do they seem to have had any means of informing themselves upon the subject. A number of deeds relating to their property and revenue, with some of their books, and almost all their papers and records, were found in a box some years ago, in the bank of Messrs. Leslie, in Cork, after the failure of that firm, and were then sent to the present provost, in whose house they have since remained without examination, until we arrived in the town. One of the three books, which contain entries of the proceedings of

the corporation, together with some deeds, and other documents, was within a few days of the commencement of our inquiry sent down from Dublin, from the office of Messrs. Reeves, Solicitors, where they had remained for many years. Of the existence of these documents the present town clerk, or any other corporate officer, does not seem to have had any previous knowledge. Neither could we learn the cause or occasion of such disposal of the corporation records, the only connexion of the corporation with Leslies' Bank, that we could trace, was through Lord Bandon, whose bankers they were, or with Messrs. Reeves, that they were his Lordship's solicitors.

18. From an examination of the documents so collected, it appears that the corporation were formerly possessed of the said several denominations of land, containing 827 A. 3 R. 8 P. plantation measure, being 1340 A. 3 R. 24 P. English statute measure, and that, desiring to raise money for the purpose of building a Marshalsea and Shambles, they, in the year 1752, borrowed a sum of £300 sterling, and mortgaged for it the denominations of those lands called Rine and Lackyduffe, Cocawmore and Ballyglanney, containing 617 acres, plantation measure; that in the year 1787, a bill was filed to foreclose the mortgage, and a decree obtained for a sum of £580 3*s.* 9*d.*; that for the purpose of paying off the sum so due, the corporation borrowed a sum of £600 on the security of an assignment of the decree, and a further mortgage of the same lands, and that they then were obliged to get further in debt for the purpose of paying their own and the plaintiff's costs in that cause, to the extent of £200; and that for the purpose of paying those sums, all the said lands were in the year 1809 sold for a sum of £1012 6*s.* 3*d.* and since that time (a demise of the tolls of the town, which they had from the Duke of Devonshire, having been put an end to previously) the corporation have had no income or property of any kind, and the salaries of their officers have been paid by Lord Bandon, as before stated. It was represented to us, that the corporation property had been leased for ever, long before the sale; and we ascertained by inspection of old accounts of treasurers, that the rents reserved were very inconsiderable compared with the extent of the lands.

19. The Tolls of the town belong to the Duke of Devonshire, and, from the time of the determination of the demise of them to the corporation in the year 1806, were collected by the Duke pursuant to a schedule annexed, until the year 1830, when he suspended the collection of toll in this, as also in all his other towns, until some legislative arrangement of them should be made; and no tolls are at present collected. Tolls.

There is no Patronage of any kind exercised or dispensed by the corporation. Patronage.

The following Return applies to the state of this town in 1831: POPULATION, &c.

Population: males 4621; females 5296. Total 9917.

Occupations, viz.

Families chiefly employed in agriculture - - -	251
Ditto in trade, manufacture, and handicraft - - -	205
Ditto not included in the above classes - - - -	551

Number of Houses:

Inhabited - - - - - -	1436
Uninhabited - - - - -	137

The population of that part of the town within the ancient borough is only 2285.

The place is declining in trade, there having been some years ago a prosperous manufacture of linens, which is now almost entirely gone, and in consequence, a great diminution of population has taken place. The only trade that is improving is a trade in the export of corn. There are in the town two breweries and one distillery.

A difference of Opinion exists amongst the persons examined as to the class of persons who should be intrusted with the privilege of electing a municipal council and corporate officers, if the corporation were to be opened to the inhabitants; but all parties agree upon one point, that the corporation as at present constituted is unpopular. Opinion of Inhabitants.

There are no local Acts of Parliament.

We have sent with the Report the following Documents, viz.

1. A copy of Bye-laws of the Corporation of 1756.
2. A copy of the Schedule of Tolls.
3. Schedule of Costs in the Court of Record,

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry commenced on the 21st of September 1833, and terminated on the 24th of same month.

211

REPORT

ON

THE BOROUGH OF CASTLEMARTYR.

CONTENTS.

	Page
Charter	13
Corporation Constitution of	13
Portreeve	13
Bailiffs	13
Burgesses	13
Officers	13
Fairs and Markets	13
Seneschal's Court	13
Almshouses	14
Statistical Details	14

BOROUGH OF CASTLE MARTYR.

1. THE Town of Castle Martyr was incorporated by a Charter of the 28th July, 26 Charles II., (A. D. 1675,) enrolled in Chancery, (Rot. Pat. 26 Car. II. p. 3, m. 36. d.) By this charter, granted to Roger Earl of Orrery, certain lands and premises therein mentioned (his estate) were erected into a manor, thenceforth to be called the Manor of Castle Martyr, with the privileges of holding Courts Leet, Courts Baron, and a Court of Record, and of appointing a seneschal to preside therein, having jurisdiction to hold pleas in the Court of Record to the extent of £200, together with other rights to manors usually appurtenant, and the Earl of Orrery was constituted the lord of the manor. CHARTER.

2. The charter also (to the end, as therein stated, that the manor and lands might be more speedily planted) granted that the castle, town and lands of Ballymartyr, part of the newly-created manor, should be a free borough and corporation, by the name of "The Borough and Town of Castle Martyr," and should extend into the county of Cork every way from the middle of the town to 100 acres in the whole, to be set out by the Earl of Orrery; that there should be a corporation and body politic therein, under the Style of "The Portreeve, Bailiffs, and Burgesses, of the Borough and Town of Castle Martyr;" and that the corporation should consist of one portreeve, two bailiffs, and twelve burgesses, and of as many freemen as should be named by the said portreeve, bailiffs, and burgesses. The charter nominated the first portreeve, bailiffs, and burgesses, and gave them a power to admit as many freemen as they should think fit. This power, however, seems never to have been exercised, no freemen having been ever admitted, so far as we could discover. Nor were the limits of the borough ever defined; and, in truth, the charter seems to have been granted principally, if not entirely, for the purpose of enabling the town to send two Members to Parliament; a privilege which the charter proceeded to confer on the corporation, but which, together with all the other powers and privileges, was soon usurped by the lord of the manor, who nominated the Members of Parliament up to the time of the Union, and received £15,000 as Compensation, when, by that measure, the right was taken away, and who, since that time, keeps up the corporation by going through the ceremony of an annual election of officers, without any object, or thereby conferring any benefit or advantage upon the inhabitants of the town that we were able to discover. CORPORATION, Constitution of. Style. Powers of, usurped. Union Compensation.

This election is held on the Monday next after St. John's Day, when a Portreeve and two Bailiffs, previously nominated by Lord Shannon, (the descendant of the Earl of Orrery, and now lord of the manor,) are elected. No election, however, was held of such officers for the present year, (1833,) the corporation not having assembled on the day of election, by reason, as was stated to us, of the illness of the portreeve; and the offices cannot now be filled up unless a Mandamus be obtained from the Court of King's Bench. By the charter, the portreeve and bailiffs should be elected from amongst the burgesses; but this provision has not been attended to. Nor do the officers of the corporation seem to have been aware of it. In truth, all the members of this corporation seem totally ignorant of the provisions of their charter; they accept their offices at the desire of Lord Shannon, have no duties to discharge, receive no salary, have no privileges or emoluments therefrom, and make no inquiry on the subject. Portreeve and Bailiffs.

The portreeve and his deputy, whom he has a power of appointing in his absence, are by the charter constituted justices of the peace and coroners within the borough, during the portreeve's year of office, and the portreeve continues a justice for the following year. They, however, discharge no duties as such, except occasionally committing disorderly persons to a place of confinement in the town, which is used as the manor gaol.

3. Vacancies in the number of Burgesses are occasionally filled up at either of the annual meetings of the corporation, when the officers are respectively elected and sworn into office. Burgesses.

4. There are no other Officers of the corporation except a serjeant at mace, who is also appointed a peace officer in the town, and sworn into office as such by the portreeve. Officers.

The lord of the manor has power, under the charter, to appoint a recorder and town clerk, to hold office during his pleasure; but no such officers have been recently appointed.

5. The corporation have no Property or patronage whatsoever. PROPERTY.

6. Two Fairs (mentioned in the charter) are held each year in the town, on the 20th of April and 20th of September, old style, and tolls are taken thereat by the lord of the manor, to whom they are granted by the charter. They produce, however, but a very small sum, not more, at present, than £4 per annum. FAIRS.

The charter also grants to Lord Orrery, his heirs and assigns, license to hold two markets in the week within the town; but none such are, in fact, held. There is a market-house, the property of Lord Shannon, in which the person who is now serjeant at mace is permitted by him to keep a beam and scales, and to weigh goods for the public, for which he charges certain MARKETS.

CASTLE MARTYR.

fees on all articles, even potatoes, notwithstanding the Act of Parliament prohibiting such charge.

Seneschal's Court.

7. The lord of the manor appoints a Seneschal, who decides cases on summons to the extent of 40*s.*; but does not exceed that sum, though having jurisdiction under the charter to entertain pleas to the amount of £200. he might, under the statute of 7, 8 Geo. IV. c. 59, proceed to that extent by civil bill.

Charitable Foundation.

8. The Earl of Orrery was authorized by the charter to erect one or more almshouses on any part of the manor, and endow the same with such lands or rents as he might think fit, for the maintenance of six aged men and six aged women; and it appears that such almshouses formerly existed near the town on a site which is at present part of Lord Shannon's demesne. Whether any endowment was ever made is now uncertain. His lordship, however, pays an annual sum of £5 to each of twelve aged persons, selected by him. This is called almshouse money, and is represented to have been substituted for the almshouses.

There is no other charitable foundation within the town.

Statistical Details.

9. The following Table shows the condition of this town in the year 1831:

Population: males, 356; females, 474. Total -	830
Families chiefly employed in agriculture - -	38
Ditto in trade, manufacture, or handicraft - -	66
Ditto not included in either of the above two classes	53
Houses inhabited - - - - - -	129
Ditto uninhabited - - - - - -	0

There is no manufacture carried on here, and there appears to be very little trade of any kind.

We send with this Report a copy of the following document:

Schedule of Tolls taken at Fairs.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 14th of September 1833.

215

REPORT

ON

THE BOROUGH OF CHARLEVILLE.

CONTENTS.

	Page
Charter	17
Style	17
Limits	17
Corporation, Constitution of	17
Sovereign	17
Bailiffs	17
Burgesses	17
Freemen	17
Police	17
Seneschal of Manor	17
Court	18
Fairs	18
Tolls	18
Statistical Details	18

BOROUGH OF CHARLEVILLE.

1. CHARLEVILLE was incorporated by a Charter, bearing date the 29th day of May, 23 Charles II., (A. D. 1672,) granted to Roger, Earl of Orrery, which erected certain lands therein mentioned into a manor, and granted that the Town of Charleville, and all lands to the extent of 100 acres, to be laid out contiguously by the Earl of Orrery, should be a free borough and corporation; and that there should be a body corporate therein, under the title of "The Sovereign, Bailiffs and Burgesses of the Borough of Charleville." CHARTERS. Style.

It does not appear that these 100 acres were ever defined.

The above charter is enrolled in Chancery, (Rot. Pat. 23 Car. II. p. 3, m. 13,) and another charter, also, is there on record, dated the 2d May, 5 Jac. II., (A. D. 1689, Rot. Pat. 5 Jac. II. p. 1, m. 27,) which, like others of that date, is inoperative.

2. The Corporation is by the charter made to consist of a sovereign, two bailiffs, twelve burgesses, and freemen. CORPORATION, Constitution of.

3. The Sovereign and Bailiffs are elected annually from the burgesses, at a meeting of the sovereign, bailiffs and burgesses, on the Monday after St. John's day, and sworn in on the Monday after Michaelmas day. The sovereign is generally re-elected, but the bailiffs are changed when there are other burgesses to fill the office. Sovereign, &c. Election of.

The sovereign is a justice of the peace within the borough, and acts occasionally in quelling riots, and in the preservation of the peace, but does not exercise any other of the duties of a justice. Sovereign, Functions of.

The Bailiffs do not appear to have any particular duties imposed on them, except to be assistants to the sovereign. Bailiffs, Duties of.

4. The Burgesses are elected at special meetings of the sovereign, bailiffs and burgesses, convened by the sovereign whenever it is proposed to fill up vacancies, which is done very irregularly. No qualification is necessary. The person proposed is at the same time admitted free of the corporation, and elected a burgess. The number is limited to twelve, and, until recently, all were non-resident. Burgesses, Election of.

5. The class of Freemen is nearly extinct, there being but one person now living, who was admitted to the freedom, and not elected a burgess; and no other person is recollected to have been a freeman who was not also a burgess. But from entries in the books, it appears to have been formerly usual to admit freemen. Freemen.

All members of the corporation claim to be exempt from the fair and market Tolls, though the property in the tolls, and the right to hold the fairs and markets, are vested in the lord of the manor. Tolls, Exemption from.

6. The whole corporate power is by the charter vested in the sovereign, bailiffs, and burgesses. There are no other officers of the corporation now in existence, nor have any members of the corporation, as such, any salary or emoluments. Governing Body.

7. The corporation have not, and never had, any Property vested in them; nor have they, or any of their officers, any power or authority whatsoever, save that the sovereign (or deputy sovereign) acts as a justice of the peace, coroner, and billet master within the borough. Complaints are made of the manner in which the duties of the latter office have been discharged. Property.

8. Such being the character of this Corporation, it is difficult to see with what object it is kept up, since it was by the Union deprived of the right to return Members to Parliament; and indeed, the members of the corporation themselves appear to have been at one time convinced of its inutility, having permitted all the burgesses and one bailiff to die off without filling up the vacancies, so that the corporation was reduced to two, a sovereign and one bailiff, who, on the 20th of June, 1826, re-elected themselves into office, and on the 20th of July following, took upon them to elect some burgesses, and these, on the 29th of June in the year following, elected others, until the number of twelve was complete; by this means, the corporation is said to be continued. Corporation, Inutility of.

The Compensation (£15,000) for the extinction of the elective franchise at the Union was divided in moieties between the Earls of Shannon and Cork, without any condition. Union Compensation.

Notwithstanding that the being a member of this Corporation scarcely confers any advantage whatever; yet its members act on the principle of religious exclusion, and a late attempt to induce them to admit Roman Catholics was unsuccessful. Corporation exclusive.

9. There are county Magistrates resident in and near the town, who hold petty sessions; and the county Coroners also act within the borough, there being no exclusive jurisdiction in the sovereign. Magistrates.

The county Police do all the necessary duties. Police.

CHARLEVILLE.

Seneschal.

10. The sovereign, or deputy sovereign, is usually appointed Seneschal of the manor, and as such holds a Court of Record, in which the jurisdiction extends to £200 Irish, under the charter. The proceedings of this court are according to the usual course of the common law, and actions are commenced either by arrest of the person, attachment of goods, or serviceable writ. In all cases an affidavit must be made that the cause of action arose within the jurisdiction; and to ground an attachment of goods, or arrest of the person, there must be an affidavit of the debt. No arrest is made, unless the debt amount to £20. If the goods are attached, the condition of the bail bond, even in cases under £20, is to deliver the body, or pay the debt. It is not necessary that the pleadings should be signed by counsel; but if counsel do sign them, or attend the trial, a fee of one guinea is taxed for him; the costs taxed against the defendant, when the cause proceeds to final judgment, amount to about £7; if the plaintiff is nonsuited, the costs taxed against him for the defendant amount to about £4; on a plea of confession, the costs amount to about £2 5*s*.

Causes, Number of.

The number of Actions commenced in the court in one year, previous to September 1833, was 276; of these six only were brought to trial, and by much the greater number were settled immediately on the service of the writ.

Civil Bill Jurisdiction.

The seneschal, in addition to this jurisdiction, has, under the 7, 8 Geo. IV. c. 59, power to hear causes by Civil Bill to the extent of £200, this being the limit of the jurisdiction of the Court of Record by charter. It appears anomalous that this statute should have conferred so extensive a jurisdiction on seneschals, many of whom are very ignorant persons, while the Civil Bill Jurisdiction of the assistant barrister for the county, in similar cases, is limited to £10 or £20. The seneschal of Charleville, however, does not in practice issue summons in cases exceeding £10.

Fees of.

The court Fees of the seneschal, during the first year of his appointment, amounted to about £60; but in the last year were but £30. The business on the record side seems to be on the decline, while the business in the civil bill side is increasing.

The seneschal is not a professional man; and it was represented to us, that the powers of the arrest of the person, and attachment of the goods, vested in him, were occasionally abused, cattle being driven within the jurisdiction, for the purpose of having them seized. The same feeling seemed to prevail here as in other places, that the power of administering justice in civil cases should be intrusted only to professional men.

Fairs.

11. There are six annual Fairs, and two weekly markets, held in the town, at which tolls are taken, according to a docket, of which a copy is annexed. The tolls are the property of the Earl of Cork, who has let them for a term of years. Some time ago, much higher tolls than those specified in the docket were collected, but, in consequence of opposition given, they were reduced; they are still considered, however, too high, and the opposition continues.

Statistical Details.

12. The following Table applies to the state of this town in the year 1831.:

Population: males, 2259; females, 2507 - Total,	4766
Families, chiefly employed in agriculture - -	225
Ditto in trade, manufacture, and handicraft -	447
Ditto not comprised in the above two classes -	294
Houses inhabited - - - - - -	698
Ditto uninhabited - - - - - -	36

There is no manufacture of any kind carried on here, except some little that is done in the tanning trade; and the principal occupation of the inhabitants is in the retail of the ordinary articles of consumption to the farmers and peasantry of the surrounding country. The town, however, appears to be improving.

We send herewith copies of the following Documents:

1. Schedule of Costs taken in the Seneschal's Court, with the Rules of Practice therein.
2. Schedule of Tolls, taken at Fairs and Markets.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 18th of September 1833.

219

REPORT

ON

THE BOROUGH OF CLOUGHNAKILTY.

CONTENTS.

	Page
Limits	21
Style	21
Charter	21
Lord of the Town	21
Union Compensation	21
Corporation, Constitution of	21
Sovereign	21
Burgesses	21
Governing Body	21
Officers of Corporation	21
Recorder	21
Treasurer	22
Serjeant at Mace	22
Constables	22
Toll Collector	22
Property of Corporation	22
Fairs and Markets	22
Income	22
Expenditure	22
Accounts	23
Court of Record	23
Manor Court	23
Petty Sessions	23
Statistical Details	23

BOROUGH OF CLOUGHNAKILTY.

LIMITS. 1. THE limits of the Borough of Cloughnakilty extend one mile and a half English every way round a building near the centre of the town, called the Old Chapel.

STYLE. 2. It was incorporated by a charter bearing date the 5th May, 11 James I., (A. D. 1613,) under the style of "The Sovereign, Free Burgesses and Commonalty of the Borough of Cloughnakilty."

CHARTER. 3. This Charter, after defining the limits of the borough as above mentioned, grants and ordains that there should be within the same a body corporate, consisting of a sovereign, twenty-four burgesses or fewer, so there be thirteen at least, and a commonalty, and gave to the body the power of returning two Members to the Irish Parliament; and constituted Sir Richard Boyle, Knight, his heirs and assigns, Lord of the town of Cloughnakilty, giving him the power of appointment of several of the officers, and the direction to a certain extent of the affairs of the corporation.

The above charter is enrolled in Chancery, (Rot. Pat. 11 Jac. I. p. 1, m. 47,) and a further patent appears there, dated 12th July, 4 James II., (A. D. 1688, Rot. Pat. 4 Jac. II. p. 3, m. 40,) founded upon a seizure of the franchises into the King's hands under a judgment of the Exchequer, but is not operative.

LORD OF THE TOWN. 4. By virtue of the charter so granted 5 James I. the corporation at present existing therein is kept up under the patronage of the Earl of Shannon, the descendant of Sir Richard Boyle, and present lord of the town and manor in which it is situated. The right of returning Members to Parliament was taken away by the Act of Union; and the whole compensation (£15,000) was paid to the Earl of Shannon without any condition.

UNION COMPENSATION.

CORPORATION, CONSTITUTION OF. 5. The Corporation consists of one sovereign and any number of burgesses varying from thirteen to twenty-four. At present there are eighteen. There is now no commonalty, or class of freemen distinct from the burgesses, but the books of the corporation show clearly the existence of such a class at one time, and down to the year 1794 it does not appear to have been quite extinguished. It does not appear, however, from the books that any right or title to the freedom was at any time recognised. All the entries therein of admissions to the corporation, appear to have been by grace: this may account for the extinction of the commonalty, and reduction of the corporation to its present limited number.

SOVEREIGN, ELECTION OF. 6. The charter prescribes the mode of Election of the Sovereign, directing that the sovereign, free burgesses, and commonalty of the borough, shall assemble on the feast day of St. James the Apostle in some convenient place in the borough; and so gathered together by the greater part of them, before they depart, shall nominate three of the discreetest free burgesses of the borough to stand in election for the office of sovereign, and shall present the said three persons so nominated to Sir Richard Boyle, Knight, his heirs, or assigns, lords of the town; and that the said Sir Richard Boyle, his heirs or assigns, shall choose one of the said three burgesses so presented to him, to be sovereign for one year from the feast of St. Luke then next ensuing, to continue in the same office until another burgess of the same borough be accordingly chosen, and sworn for the exercise of the said office.

The form of an annual election is still kept up pursuant to these directions of the charter. Three of the burgesses are annually nominated on St. James's day, and their names presented to Lord Shannon, who chooses one of them to be sovereign, and the name of the person so chosen is regularly called three times at the next assembly of the corporation on St. Luke's day to be sworn into office. But by nominating or choosing from amongst those presented, such persons only as are not likely to appear, the same sovereign is in practice continued in office. The present sovereign, who is Lord Shannon's brother-in-law and land agent, has now held the office for eight years successively.

FUNCTIONS OF. 7. The sovereign is by charter a justice of the peace within the borough, and a judge of the Court of Record, which was formerly held, but has been for some years discontinued.

SALARY. 8. His Salary is £20 a year, (Irish,) and since the discontinuance of the Court of Record, upon the proceedings in which he had formerly some fees, he has no other emoluments.

BURGESSES. 9. The Burgesses are elected by the sovereign and burgesses at a meeting convened for the purpose, by notice, whenever it is considered expedient to fill up vacancies, which is not done regularly. The charter directs that in the election of burgesses, the corporation shall take the advice of the lord of the town for the time being if he shall be present, but it does not seem that Lord Shannon is now consulted on the matter. The names of the persons to be chosen are, however, previously communicated to his brother-in-law and land agent, the present sovereign; and a considerable degree of affinity exists amongst the members of the corporation. Eight of the eighteen present burgesses are of the family of Townshend or connected with it. No Roman Catholic has ever been admitted.

CLOUGHNA-KILTY.

Governing Body. 10. All corporate acts are determined on by a majority of the members present at the meetings of the corporation, there being no select body.

Officers of Corporation. 11. The Officers of the Corporation, besides the sovereign, are the recorder, treasurer, one serjeant at mace, three constables, a toll collector, and weighmaster.

Recorder and Deputy Recorder. 12. The appointment of the Recorder is by the charter vested in the lord of the town; one of the burgesses is generally nominated to this office, though it is not necessary that he should be one, nor is it required that he should be a professional man. The recorder is by charter a justice of the peace within the borough, and a judge of the Court of Record. His salary is £20 Irish per annum. As recorder, he has since the discontinuance of the Court of Record no other emoluments. One of his duties is to keep the records and books of the corporation, and make the entries of their proceedings. This latter duty the present recorder formerly discharged, but having been for the last sixteen years deprived of sight, the entries are now made by a Deputy Recorder; he himself, however, discharges in person the other duties of this office, as also those of seneschal of the manor.

Deputy Recorder. He has the power of appointing a Deputy Recorder, with the consent of the lord of the town, and has appointed his son to that office, who in that capacity makes the entries in the corporation books, but has no salary or emolument. The same person acts as clerk of the petty sessions of the borough, and as such receives the usual fees.

Treasurer. 13. The office of Treasurer has been lately created, and is held by the present sovereign, who was elected thereto about three years since. He has, as such, no salary or emoluments.

Serjeant at Mace. 14. The Serjeant at Mace is appointed by the sovereign and recorder, though by charter the election should be in the corporation at large. The salary is £4 per annum.

Constables. 15. The Constables are also appointed by the sovereign and recorder; their duties are the ordinary duties of constables within the borough. One of them, who is high constable, also acts as billet master; his salary is £6 per annum, and the other two constables have £4 per annum each.

Toll Collector. 16. The Toll Collector is appointed by the corporation, and now collects the tolls of the fairs and markets for their use, returning his receipts weekly to the treasurer; his salary is 6*s*. per week. He has not been required to give any security.

Weighmaster. 17. The Weighmaster is appointed by the corporation. He keeps a beam and scales at the market-house, and his only emoluments are the fees on weighing, which are taken according to the Act of Parliament, ½*d*. for every draught under a hundred weight, and 1*d*. if over. The same person is also one of the constables.

Property of Corporation. 18. The only Property of the Corporation consists of the tolls of the fairs, and a weekly market, the rents of the shambles, and some small profits arising from a market-house, which was built out of the corporate funds, upon a piece of ground given them by Lord Shannon for the purpose.

Fairs and Markets, Tolls of. 19. There are five Fairs held in the town annually. Of these two only are granted by the charter; one of the others is stated to be held as an adjournment of one of the charter fairs. Tolls are taken at all, as well as at the weekly Market, which is also granted by the charter. Until very recently, tolls were collected every day in the week upon all articles coming to the town for sale, and the exaction was sought to be justified under a clause in the charter, which grants to the corporation that no person other than such as shall be admitted into the freedom of the town, should sell by retail any goods or merchandises, within the compass of three miles round the borough, without the license of Sir Richard Boyle, his heirs or assigns; but such attempt, in consequence of recent opposition to it, is now given up, and the collection is confined to the fairs and one market in the week; and some reduction has also, from the same cause, been made in the amount of the sums collected.

Income of Corporation. 20. Previously to this opposition to, and consequent reduction in the tolls, they were let annually, by private contract, at a rent of £120; and it is to be supposed that the lessee had some profit from them, as the same person continued the tenant for several years. Before the year 1823, they were let to the present recorder, and he was permitted to expend the rent which he was to pay for them upon the repairs of the streets. For the last two years, the tolls have been collected for the corporation.

The market tolls amount to about £1 10*s*. a week.

The fair tolls, from £21 to £24 annually.

The shambles' rents, to about £32 a year.

The profits of the market-house are but small, and vary very much. They arise principally from fees charged, contrary to the Act of Parliament, on weighing potatoes, for which purpose the corporation maintain a beam and scales there. This charge is made every day in the week; but any quantity remaining over unsold is stored in the market-house without any additional expense.

Expenditure. 21. The above revenue is expended in the payment of the salaries of the corporate officers, and in improvements within the town; of these the chief has been the building of the present market-house, which cost £600. The expenditure upon it created a debt, to pay which the corporation were obliged to put the contractor, who built it, in possession of almost all their income for several years. It is now liquidated; but a considerable sum is still due to the treasurer, for which, however, he does not charge interest.

The corporation were formerly in the habit of expending part of the tolls in the repair of the streets, but have latterly discontinued the practice by reason of the inhabitants of the town having been, since the Act of the 1 Will. IV. c. 61, assessed to the county rates. The grand

CLOUGHNAKILTY.

jury of the County of Cork, however, decline to present any money for this purpose; and a contractor for the repairing of the mail coach line of road, from Cork to Bantry, which runs through the town of Cloughnakilty, alleges that so much of the road as lies within the town is not included in his contract, and in this view he is supported by the turnpike board who employed him. In consequence of these differences, the streets are very much out of repair, and would be still more so, but for some voluntary contributions of Lord Shannon and some of the inhabitants.

Accounts of.

22. The Accounts of the corporation revenue, until the appointment of the treasurer, were very badly kept. Indeed, previously to the year 1823, none at all seem to have been kept or settled. Before that time, the tolls were for many years leased to the present recorder, and he was permitted to lay out the surplus rent, payable by himself, beyond the amount of the salaries of the corporate officers, in repairs of the streets or other improvements, at his own discretion, without rendering or settling any accounts whatever. From 1823, down to the 25th of April 1831, the income was received by the contractor for building the market-house, who had been put into possession thereof for the purpose of receiving the sum agreed to be paid by the corporation for the building. He settled accounts occasionally with the former and present sovereign, and in April 1831 his debt was found to be liquidated; and thereupon the office of treasurer was instituted, and the present sovereign appointed to it. Since his appointment the accounts have been regularly kept, and were submitted to our inspection. They have been audited and settled by a committee of the corporation, and a balance of £200 16*s.* 3*d.* appears to be due to the treasurer up to the 14th of October, 1833.

Borough Court.

23. The sovereign and recorder are by charter empowered to hold a Court of Record, and to entertain pleas in all actions, as well real as personal, not exceeding £20 current money of Ireland, happening or arising within the borough. This court was formerly held, and the proceedings in it were as in the superior courts. It has, however, been discontinued since the passing of the act limiting the power of arrest to sums exceeding £20.

Manor Court.

24. A Manor Court is held in the town by a seneschal appointed by Lord Shannon. The present recorder of the corporation is seneschal. He holds the court on every third Wednesday, and, by a strange practice, has made it a Court of Conscience for the recovery of sums not exceeding 5*s.*, deciding such cases himself without the intervention of a jury, and on the oath of the plaintiff. When the sum sought to be recovered exceeds 5*s.* the proceedings are by civil bill under the Manor Courts Act; and this jurisdiction is exercised to the extent of £10. In the former case the costs up to execution are 2*s.* 7*d.*, in the latter they are 9*s.* 6*d.*, of which 7*s.* 6*d.* are taxed against the defendant; the remaining 2*s.* were stated to be taken under the authority of the act of the 7, 8 Geo. IV. c. 59, but that act only applies to cases in which seneschals have an original jurisdiction to the amount of £30, and does not therefore authorize the charge in the Manor Court of Cloughnakilty, where the seneschal's original jurisdiction is limited by the patent to 40*s.* Irish. The business of the court is very inconsiderable, owing to the amount of the costs, and perhaps also in some measure to the seneschal's being deprived of sight.

Petty Sessions.

25. The sovereign and recorder, as justices of the peace, hold a Petty Sessions occasionally, for the taking of informations for offences committed within the town, and a similar court is held there by the county magistrates.

STATISTICAL DETAILS.

26. The following Table shows the state of the town in the year 1831:

Population: males, 1772; females, 2035. Total, 3807.

Occupations, viz.

Families employed in agriculture - - - -	96
Ditto in trade, manufactures, or handicraft - -	467
Ditto not included in the above classes - - -	161

Houses inhabited, 581: uninhabited, 86.

There was at one time a flourishing manufacture of linen in the town, which is now very much decayed. Not less than 600 weavers formerly had full employment, at present there are not more than 150 at work. The decay is attributed in some measure to the doing away of the bounty on exportation. There is something done in the manufacture of cottons, and a small trade in corn, but, on the whole, the condition of the town has fallen off very much within the last few years, and the population has declined between the years 1821 and 1831 from 4138 to the number above mentioned. We send herewith copies of the following Documents:

1. Schedule of Costs in Court of Record.
2. Schedule of Tolls of Fairs and Markets.
3. Schedule of Costs in Seneschal's Court.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry proceeded with on the 25th of September 1833, and further prosecuted on the 16th of October following.

REPORT

ON

THE CITY OF CORK.

CONTENTS.

	Page
CHARTERS	27
Style	28
CORPORATION, Classes of the	29
Mayor	29
Aldermen	30
Sheriffs	30
Burgesses	31
Common Council	31
Bye-laws	31
Freemen	31
Officers of the Corporation	33
Mayor	33
Sheriffs	34
Mayor and Sheriffs' Charity	34
Recorder	34
Aldermen of the Ward	34
Common Speaker	35
Friendly Club	35
Town Clerk	35
Chamberlain	35
Clerk of Crown	35
„ of Peace	35
„ of Council	36
Water Bailiff	36
Deputy Water Bailiffs	36
Chaplain	36
Swordbearer	36
Dues	36
Mayor's Secretary	36
Serjeants at Mace	36
Superintendent of Toll Collectors	36
Toll Collectors	37
Superintendent of Markets	37
Assay Master	37
High Constables	37
Serjeants at Mace	37
Mayor's Serjeants	37
Sheriffs' Serjeants	37
Sheriffs' Bailiffs	37
General Weighmaster	37
Market Ditto	38
Warden of Black Rock Castle	38
Coroners	38
Billet Master	38
Calculator of Assize	38
Steward of Mansion House	38
Keeper of Exchange	38
„ of Court House	38
„ of Council Chamber	38
„ of Mardyke Gate	38
Grand Jury	38
Assessment of Grand Jury Cess	38
Applotment of Ditto	38
Courts	39
Mayor and Sheriffs' Court	39
City Sessions Court	39
Juries in	40
Market Jury	40
Court of Conscience	40
Police Office	42
Police	43
Gaol	43
Bridewell	44
REVENUES of the Corporation	44
Fee Farm Rents	44
Terminable Leases	45
Mode of letting Lands	45
Expenditure	45
Tolls	46
Markets	46
Corn Market Trustees	47
Harbour Commissioners	48
Wide Street Commissioners	49
Pipe Water Company	50
Fountains	51
Commercial Buildings' Company	51
Charitable Foundations	51
Foundling Hospital	52
Skiddy's Almshouse	53
Bertridge's Charity	53
Blue Coat Hospital	53
Moses Deane's Charity	54
Thomas Deane's Charity	54
Green Coat Hospital	54
House of Industry	54
Lunatic Asylum	55
Fever Hospital	55
County Infirmary	55
North and South Infirmary	56
Masterson's Charity	56
Lapp's Bequest	56
STATISTICAL DETAILS	57

CITY OF CORK

1. THE Corporation of Cork is very ancient, so much so as to lead to the opinion that it exists by prescription.

CHARTERS.

The earliest Charter extant is one of Henry III., bearing date the 2nd January, in the 26th year of his reign. It is enrolled in Chancery (Rot. Pat. 13 Car. II. p. 4, m. 28.) This charter grants to the citizens of Cork, that they and their heirs may have and hold the city of Cork, with its appurtenances in fee farm, at a rent of fourscore marks, to be paid annually at the Exchequer. It further granted, that they and their heirs should have all "the prisage of wine custom and cocket, as well by land as by water, in all pills, creeks, and strands, within the port of the city, and certain personal privileges, and free customs therein mentioned, and amongst others, that they should be quit of the payment of tolls, customs, pontage, and all other customs throughout his entire dominions." 26 Henry III.

It further granted in the words following: "Concessimus etiam eis omnes tenuras infra muros et juxta muros usque ad rectas metas ejusdem civitatis ad respondendum inde pro voluntate suâ per communem assensum ejusdem civitatis *in messuag et vigil in edific* super aquam et alibi ubicunque fuerint in villa tenendum in libero burgagio scilicet per servitium landgabilium quod reddunt infra muros. Concessimus etiam quod quilibet eorum se possit emendare in quantum poterit in edificiis faciendis ubicunque voluerit super ripam sine dampno civium et villati; et quod habeant et possideant omnes terras et placeas vacuas que infra predictas metas continentur ad voluntatem eorum edificandum: hæc omnia eisdem concessimus salvis tenuris et terris omnium illorum qui terras et tenuras habeant et cartam Johannis patris nostri unde extra muros usque ad predictas metas quod non possit civitas de terris illorum sicut nec alii disponere."

The words in italics are contracted in the enrolment as above.

The chief officer of the corporation is by this charter called "Provost."

The next charter bears date the 12th June, in the 19 Edward I. (enrolled in Chancery, Rot. Pat. 13. Car. II. m. 28.) It is one merely of confirmation. 19 Edward I.

The next bears date the 13th October, 31 Edward I., A. D. 1303, (enrolled in Chancery, Rot. Pat. 31 Edward I. 80.) It granted that the bailiffs and men of Cork should have murage, as in other towns in Ireland, for six years. 31 Edward I.

The next bears date the 20th January, 11 Edward II., A. D. 1317, (enrolled Rot. Pat. 14 Edward II. m. 41;) and releases to the corporation, by the title of "The Mayor and Bailiffs, and Commonalty of the City of Cork," all account on foot of the murage granted by the last charter. This appears to be the first charter in which the office of mayor is named. 11 Edward II.

The next charter bears date the 20th July, 12 Edward II., A. D. 1318, (enrolled in Chancery, 13 Charles II. m. 28.) It confirms the charter 19 Edward I., and grants that the mayor, when elected, may be sworn before his predecessor in office, instead of going to Dublin for the purpose of taking the oaths before the Barons of the Exchequer. It also grants to the mayor and bailiffs the assize of bread, the assay of weights and measures, and certain other privileges usual in charters of that period, but none of importance. 12 Edward II.

This charter was followed by one bearing date 17th July, 4 Edward III., one dated 12th February, 5 Edward III., one dated 2d January, 5 Richard II., (all enrolled on the same, Rot. Pat. 13 Car. II. m. 28. d.) These are all mere charters of confirmation. 4 Edward III. 5 Edward III. 5 Richard II.

The next charter bears date the 1st December, 2 Edward IV. (enrolled Rot. Pat. 13 Car. II. p. 4, m. 28.) It confirms all the former charters, and after reciting that the mayor and commonalty had eleven parish churches to the city belonging, together with suburbs to the said city annexed, of the space and length of one mile *ex utrâque parte civitatis*, for which they paid a rent of 80 marks annually to the Crown, so long as the suburbs remained undestroyed; and reciting further, that the suburbs were destroyed by Irish enemies and English rebels, and had been so for fifty years then past, whereby the mayor and commonalty were unable to pay the rent, remitted the arrear, and granted them the cocket of the city for the construction of the walls, to hold until they should be able to go peaceably one mile outside the same. 2 Edward IV.

The next bears date the 1st August, 15 Henry VII., and is enrolled as the last. This charter also confirms all former charters, and further grants that the mayor and citizens, and their successors, might enjoy their franchises as well within the city and suburbs of the same, as through the whole port of the said city, and every part thereof, viz.: "As far as the shore, point, or strand called Rewrawne, on the western part of the said port, and as far as to the shore, point, or strand of the sea, called Benowdran, on the eastern part of the same port, and so far as the castle of Carrigrohan, on the western side of the said city, and in all towns, pills, creeks, burgs, and strands in and to which the sea ebbs and flows in length and breadth within 15 Henry VII.

CITY OF CORK.

the aforesaid two points, called Rewrawne and Benowdran." It then, after reciting to the same effect as in the charter of Edward IV., releases during pleasure all arrears of the rent of 80 marks reserved by the charter of Henry III., up to the date of the charter, and grants that, in future, the corporation in lieu thereof, should render at the Exchequer 20lbs. of wax.

1 Henry VIII. The next charter bears date the 24th February, 1 Henry VIII., enrolled as the last, and is one merely of confirmation.

28 Henry VIII. The next bears date the 11th March, 28 Henry VIII. It grants that the mayor might have a sword carried before him, and that the sword-bearer should wear a particular description of cap, a ceremony which is still observed, and grants to the mayor the custody of the castle.

3 Edward IV. The next bears date the 9th May, 3 Edward VI., is enrolled as above, and is one merely of confirmation.

18 Elizabeth. The next bears date the 1st December, 18 Elizabeth, and is enrolled as above. It grants that the mayor, recorder, and bailiffs, and the four senior aldermen who had served the office of mayor of the city, though they should have ceased to be mayor, as long as they should be aldermen, should be keepers of the peace within the city as well by land as by water; and that those persons, or three of them, of whom the mayor and recorder to be one, should be justices of oyer and terminer and general gaol delivery, and to inquire of all felonies, trespasses, &c. within the city, and the liberties of the same. It further grants to the corporation all fines and amercements, &c. within the city, as well before the justices as all other judges forfeited.

6 James I. The next bears date the 10th March, 6 James I. (enrolled in Chancery, 7 James I. p. 2.) It recites that the city of Cork was an ancient city, and was incorporated by letters patent of King Henry III., and long before; and that the mayor, bailiffs, and citizens of the city of Cork had enjoyed divers privileges. It then grants that the city of Cork for ever thereafter should be a free city of itself, and the mayor, bailiffs, and citizens of the city, by whatever name or names they had been theretofore incorporated, and their successors for ever, should be one body corporate, in deed, fact and name, by the name of "The Mayor, Sheriffs, and Commonalty of the City of Cork," which is their present style. It further grants that there should annually be one of the most honest and discreet citizens, according to the ancient manner and custom of the city, elected to be mayor, and two honest and discreet citizens to be sheriffs, and that the mayor, sheriffs, and commonalty, or the major part of them, of whom the mayor and one sheriff should always be two, should have power to make bye-laws for the government of the city, and the officers of the corporation, and the residents within the city. It further grants that the city of Cork and all lands extending from the walls of the city for the space and circuit of three miles on every side should be measured and marked out by commissioners, who are named in the charter, and thenceforward should be a distinct county, to be called "The County of the City of Cork," and that the commissioners should describe the boundaries to be fixed upon by them in an indenture to be returned into the Court of Chancery. It further grants that the mayor, recorder, and their successors, and the four senior aldermen who should have served the office of mayor, so long as they continue aldermen, should be justices of the peace within the city, and within the county of the same city, and the liberties and suburbs of the same, as well by land as by water, and should have power to inquire, hear and determine, as often as it should seem expedient to them, of all felonies, trespasses, forestallings, &c. within the city. Licence is granted to hold two fairs, with all tolls, &c., and the corporation is released from the annual payment of the 20lbs. of wax. This charter also creates a corporation of the staple, with the same privileges as the corporations of the staple of London or Dublin.

The commissioners appointed in this charter settled the boundaries of the county of the city as thereby directed, and made a return thereof into the Court of Chancery by indenture bearing date the 16th day of July 1609.

7 Charles I. The next charter bears date 5th April, in the 7th year of the reign of Charles I. (enrolled in Chancery, Rot. Pat. 13 Charles II. p. 4.) It confirms former charters, and recites that the city of Cork, and the grounds and premises, as measured and settled under the commission of James I., should be a county in itself, and called "The County of the City of Cork;" that the mayor, recorder, and four senior aldermen, should be justices of the peace for the same, and that justices of the county of Cork should not act in the city; and further directs that each mayor, on retiring from office, should be an alderman, and that all the aldermen should be members of the common council, provided the number should not exceed twenty-four.* It further grants that the mayor of the city should be the first commissioner named in every commission to be executed within the county of the city of Cork. That the mayor, sheriffs, and commonalty should have power to elect the town clerk, clerk of the Crown, and public notary, and also to elect six of the aldermen of the ward, who should have power to hear and determine all causes between party and party, not exceeding 40s., arising within their respective wards.

9 George II. The next charter bears date 2d January, 9 George II. (enrolled in Chancery, 9 Geo. II. p. 2.) It grants that all the aldermen of the city of Cork, immediately after they shall have retired

* The original words of the charter of Charles I. as to this point are exceedingly obscure; they are as follows: "Volumus etiam quod quilibet major civitatis predictæ cum a majoritate suâ recesserit unus aldermannorum dictæ civitatis sit et reputetur et quod quilibet alius futurus imposterum aldermannus et commune concilium dictæ civitatis per majorem numerum majoris vicecomitum et communitatis eligatur quodque numerus dictorum aldermannorum et communis concilii non excedat viginti quatuor."

CITY OF CORK.

from the office of mayor, shall be justices of the peace within the county of the city of Cork, with like power as conferred upon the four senior aldermen by the charter of Charles I.

The last charter granted to the corporation was by George II., dated 3d March, in the 21st of his reign, (enrolled Rot. Pat. 21 Geo. II. p. 3.) It gives licence to the corporation to hold two fairs annually at a place called the Lough, within the liberties, and to take the usual tolls. 21 Geo. II.

There is also a charter of the 13th December, 3 James II., (A. D. 1687,) which is enrolled, (Rot. Pat. 3 Jac. II. p. 1, m. 21.) This was founded upon a seizure of the franchises, under a judgment of the Exchequer, and being, for that reason, invalid, has now no operation. 3 James II.

By the provisions of those several charters, except the last, explained by ancient usage and by a series of bye-laws passed and bearing date respectively the 5th, 12th, and 14th days of February 1721, the corporation professes to be governed at present in the administration of its affairs.

2. The Title of the Corporation is that conferred by the charter of James I. viz. "The Mayor, Sheriffs, and Commonalty of the City of Cork;" and the Limits of its jurisdiction are the bounds of the county of the city, which are still the same as those laid down by the commissioners under the charter of James I. and which were confirmed by the charter of Charles I. Title of Corporation and Limits of its Jurisdiction.

3. The different Classes in the corporation are the mayor, sheriffs, aldermen, burgesses, and commonalty or freemen. Classes of the Corporation.

4. The Election of the Mayor is now regulated by one of the bye-laws of the 14th February 1721, which enacts "That upon all elections to be thereafter made of mayor or sheriffs, the commonalty shall annually assemble at the Guildhall in the city on the usual day of election, being that day which is three calendar months next before the Monday next after Michaelmas day; and that then and there in open court the mayor for the time being shall order the name of all the burgesses or persons who have served as sheriffs of the said city, and who shall be resident within the said city, and no others, to be written on several tickets, or small pieces of paper of equal bigness, and all the said tickets shall be by the then present mayor put into a hat, and five of the said tickets, and no more, shall be drawn out of the said hat in open court by a child, to be for that purpose appointed by the mayor for the time being; and the said five persons whose names shall be written on the said five tickets so drawn out, shall be the persons to stand candidates, and be put in nomination to be elected to serve as mayor of the said city for the ensuing year; and as soon as the said nomination shall be made as aforesaid, that then and immediately afterwards, the same day, in open court, every freeman and member of the whole city or body politic then present shall be polled, and his vote taken for one of the said persons so put in nomination as aforesaid, and that whoever of the said persons has a majority of the votes of all the freemen, then present, shall immediately be esteemed to be duly elected to serve as mayor of the said city for the ensuing year: Provided that if any two or more of the said five candidates, or persons so put in nomination, shall have equal votes, that the mayor for the time being shall have a casting vote to determine the said election, over and beside his vote as a freeman." Such is the form of election at present; but, by a contrivance of a portion of the corporation, that part of it which gives a right of choice among the five candidates whose names are drawn from the hat, to the corporate body at large, has been rendered completely nugatory. Mayor, Election of.

5. The mode in which this has been accomplished is the following:—A number of the freemen have for many years past associated themselves together in a select body, called "The Friendly Club." This club consists exclusively of corporators, about 500 of whom are members of it, and of these above 300 are resident within the city. By a rule of the club all the members are bound to vote for the senior burgess of the five whose names are drawn from the hat, and thus become candidates for the office of mayor, and such a body going together makes his election always perfectly sure. It is difficult to give a reason for the club adopting such a rule. The reasons assigned are, first, for the purpose of preventing the heat and excitement of an annual contested election for the office of mayor, which it effectually accomplishes, for no candidate ever thinks of going to a contest, or disputing the office with the senior burgess, whose name is drawn; and next, that a person is induced to undertake the onerous and unpaid office of sheriff, which he must have served to constitute him a burgess, by the certainty of succeeding to the lucrative office of mayor without the trouble of a contested election, in case he shall be fortunate enough to be the senior burgess drawn and put in nomination. Rule of Friendly Club as to Election of Mayor.

In these respects this body, though it deprives the freemen of a choice amongst the candidates for the office of mayor, may, perhaps, effect some good; but, from the qualifications required in its members as to political opinions, and religious profession, it has been the main instrument by which the corporation of Cork has been made so exclusive, with regard both to politics and religion, as it will hereafter appear to be.

The rule of the club as to the election of mayor has of late been somewhat relaxed, and the members are now at liberty to vote for either of the two senior burgesses whose names may be drawn. This change gives a little more freedom of choice, but having been made for the purpose of preventing the election of an obnoxious individual to the office of mayor, shows how injurious and oppressive such a power vested in such a body may become.

6. The freemen in the Court of D'Oyer Hundred are thus limited by the Bye-law of 1721 in the choice of the mayor to one of the five burgesses drawn from the hat; and some similar restriction as to the election of this officer appears from entries in the corporation books (a copy of which is herewith sent) to have existed from the earliest period to which the records Bye-laws, regulating the Election of Mayor.

[CITY OF CORK.

of the corporation extend; the charters, however, require no qualification in the person elected, save that he should be of the commonalty, that is, a freeman.

Under the "New Rules," 25 Charles II., the names of the mayor, as also of the sheriffs, recorder, and town clerk, must be submitted to the lord lieutenant and council, and approved of by them before entering on their offices.

Aldermen.

7. The Aldermen are such members of the corporation as have served the office of mayor; they are therefore unlimited as to number; (they are at present fourteen;) of this body six are called "Aldermen of the Ward," and are entitled to certain emoluments which we shall explain when we come to describe their functions.

Functions and Privileges of.

8. The only pecuniary advantages possessed by an ordinary alderman are those that belong to the freemen at large, and that their widows are entitled to a small annual pension. All the aldermen are members of the common council, and justices of the peace for the county of the city of Cork. They are also, under the provisions of local Acts, members of various boards. Their Functions in this respect will be explained as we treat of those boards.

Sheriffs, Election of.

9. The Sheriffs are elected under the provisions of a bye-law of the same date as that for the election of the mayor, whereby it is enacted, "That, as soon as the election of mayor shall be annually determined in the Court of D'Oyer Hundred, the mayor for the time being shall nominate one of the freemen of the city, not being an alderman, common councilman, or burgess, to stand candidate, and be put in nomination, on the election, for one of the sheriffs of the said city to serve for the ensuing year, and the mayor then newly elected shall nominate a second person, and the recorder shall nominate a third person, and the common speaker a fourth person out of the freemen as aforesaid; the common speaker to consult the freemen, and name the person whom they desire to be put up, and in case he should name, notwithstanding, a person contrary to their sense, the commons then to have the liberty to have a poll, and on whom the majority shall fall upon the said poll, he shall be the person in like manner named by the common speaker: Provided always, that if the mayor elect be absent, the sheriffs for the time being shall nominate for him; and if the recorder be absent, he shall leave directions in writing with the name of the person to be nominated for him, which if he neglects to do, the sheriffs for the time being shall likewise nominate for him; and if the sheriffs shall disagree in either of the said cases, they shall draw lots which of them shall have the power to nominate; and the said four persons so nominated, and not being aldermen, common councilmen, or burgesses, shall stand candidates, and be put in nomination for the office of sheriffs of the said city for the ensuing year; and that as soon as the said nomination of the said four persons shall be made in manner aforesaid, that then immediately, in open court, the same day, every freeman or member of the said city or corporation then present shall be polled, and his vote taken for two of the said four persons so nominated as aforesaid, and that the two of the said four persons, who shall appear to have the majority of the votes of all the freemen then present, shall immediately be esteemed to be elected to serve as sheriffs for the said county for the ensuing year; provided that, upon an equality of votes, the mayor for the time being shall have the casting vote, as in the case of the election of mayor."

Such is the form of election to the office of sheriff; but another rule of the same body, the Friendly Club, has rendered such election perfectly nominal.

Rule of Friendly Club as to.

10. The Club meets annually on the second Wednesday in May, the first Monday in July being always the day of election of the mayor and sheriffs. At this meeting any member of the club, who has not before served the office of sheriff, may offer himself to serve, and any other member may propose a candidate, such candidate being a member of the club; and upon the candidates so proposed a poll is taken, and by a rule of the club all the members of it are bound to support, in the election of sheriff, the two persons who on that poll taken in the club shall have a majority of voices. The common speaker of the current year is usually chosen by the club as one of the two.

On the day of election those two persons are proposed, one of them by the common speaker, the other by the mayor; two other persons, who are merely nominal candidates, are proposed by the mayor elect and the recorder, and the two persons so chosen by the club are as a matter of course elected to the office.

11. By thus, in fact, nominating annually the sheriffs, whose office is the introduction to all others, both honorary and lucrative, the Friendly Club have complete dominion over the political opinions of the corporation and do not fail to exercise it, there being no instance for many years of a person of political opinions different from those latterly denominated conservative, or, at any time, of a Roman Catholic having been elected to the office of sheriff. And that the opinions of the persons elected to the office of sheriff must give a tone and character to the opinions of the corporation at large is manifest from this, that the sheriffs, having served office, become burgesses, from amongst whom the mayors must be selected, and they, having served that office and become aldermen, constitute, with a varying number of the other burgesses, the common council, and the common council, as will be hereafter seen, nominate the freemen and have the control and management of all the affairs of the corporation.

Under such circumstances it is not extraordinary that the corporation should have become exclusive in politics and religious opinions; but it is truly surprising to find this feeling carried to such extent, that in a city, where a large majority of the population and much of the wealth and respectability of the commercial interest are Roman Catholic, there should be but 73 persons professing that religion on a panel of 2665 freemen.

The bye-laws, to which we have adverted as regulating the elections to the offices of mayor and sheriffs, appear to us of very doubtful validity. In limiting the choice of the freemen to

CITY OF CORK.

particular classes, and even to individuals, as well as in other respects, they seem to violate established principles of law.

Burgesses.

12. Those freemen who have served the office of sheriff are denominated Burgesses. The burgesses are, therefore, unlimited in number; the only privileges they have beyond those of other freemen are, that from amongst them the mayor must be elected, and that certain members of the council are taken from their body. Their widows, also, are entitled to a small pension from the corporate funds.

Common Council.

13. The Common Council, though recognised and apparently regulated by the charter of Charles I., is not constituted by it or any other charter. It appears, however, to have existed as a separate and select body from the earliest period to which the records extend. It is composed of the mayor, recorder, two sheriffs, and all the aldermen, not exceeding in all twenty-four: should the aldermen with the above members not make up that number, so many are elected from amongst the burgesses as will complete it.

Mode of Election to Common Council.

14. The Mode of Election is regulated by a bye-law of the 14th February 1721, which provides "That upon the death, resignation, or legal removal of any one or more of the members of the Common Council, the mayor for the time being, within twenty-one days after the occurrence of such vacancy, shall proceed to the election of such common councilman at a Court of D'Oyer Hundred, to be assembled for the purpose by public notice, posted eight days at least before the election; that at such court the mayor shall order the names of all the burgesses resident within the city, and not being members of the council, to be written on tickets or small pieces of paper of equal bigness, and that the tickets shall be put into a hat, and five of them drawn out by a child, to be for that purpose appointed by the mayor; and that the names of the five persons so drawn out shall be put in nomination as candidates for one member of the common council, and that thereupon the freemen present shall be polled, and whoever of the five shall appear to have the majority of the votes of the freemen then present, shall be esteemed to be elected member of the common council; and in case of an equality of votes, the mayor to have a casting vote, as in the case of the election of mayor, and so until the number of vacancies shall be filled up."

Rule of Friendly Club as to.

15. Here again the Friendly Club interpose, though the object does not seem to be other than to prevent the trouble of a contest. By another of their Rules all the members of the club are bound to support the senior burgess of the five, whose names are drawn from the hat, and he is of course always elected.

Other Rules as to Common Council.

16. In case a person be elected to the office of mayor who has not been previously a member of the council, and who on going out of office becomes such, the burgess who has been last elected retires from the council until another vacancy occur, when he resumes his place without another election.

The common speaker is entitled to be present at the meetings of the council, but is not a member of the body.

Bye-law of 1721, as to the Passing of Bye-laws.

17. By a provision of the same Bye-law of the 14th February 1721, it is enacted, "That no Bye-law or Ordinance, either to repeal all or any part of a former bye-law, shall at any time be made, or have the force or sanction of a bye-law to bind the corporation, unless the same shall have its rise in the common council, or be brought in by petition from the commonalty, and then approved of by a majority of the common council, or such of them as shall attend after due summons and notice; and if the common council shall approve thereof, and think it a good and wholesome bye-law, then the mayor shall, in open Court of D'Oyer Hundred, duly summoned upon proper notice, propose the same bye-law to be established by the commonalty and freemen, who shall for that purpose be polled, and the same be established or rejected by a majority of voices: Provided always, that no bye-law shall pass the common council or Court of D'Oyer Hundred, the same day on which it is first proposed or petitioned for, and seven days at the least to be between that and the next court; and that the bye-law so proposed shall, in the mean time, be lodged in the town clerk's office to be perused by any of the freemen, and if any freeman demands it he shall have a copy thereof; and that the town clerk upon such bye-laws being lodged with him, shall cause an advertisement to be published giving the freemen notice thereof, and that the same is ready for their perusal."

Council, Office and Powers of.

18. Besides bye-laws, all orders for the payment of money, and for the letting and disposal of the corporate property, and for the admission of freemen, must originate in the Common Council, though afterwards to be confirmed in the Court of D'Oyer Hundred.

Freedom acquired by Birth.

19. The Freedom of the corporation is acquired by Birth, Servitude, or Grace Especial.

The title to the freedom by birth is now confined to the eldest born sons of freemen, none of the other sons being considered as having any title to it.

Servitude.

A title to the freedom by Servitude is acquired by having served an apprenticeship of seven years to a freeman, under indentures enrolled in the town clerk's office, such enrolment to be made within six months after their date.

How admitted.

20. Persons having an inchoate title to the freedom in either of those ways, must apply by petition to the common council, who make inquiry into the facts, and if satisfied of the right, make an order for their admission, and such order having been made, the persons applying may, at any time, taking the necessary oaths, and paying the fees, which amount on the whole to £1 14*s*. 6*d*. besides the stamp duty, have their names placed upon the panel of freemen.

Title formerly.

21. Though no other Title to the freedom is now recognised by the corporation, it appears plainly by entries in their books, that formerly the right was more extensive, inasmuch as there are many entries of persons having been from time to time admitted "by the right they

CITY OF CORK.

claimed," as being married to the daughters of freemen. Nor does it appear that in former periods the right by birth was confined to the eldest son, there being numerous entries of the admission of persons to the freedom by right, each of whom is designated therein "as a son" of an ancient freeman.

Marriage, Right by.

22. The entries of admission by Right of Marriage occur at different intervals from the year 1673 to the year 1738, though the corporation by a bye-law bearing date the 5th February 1721, regulating the admission of freemen, would seem even then to limit the title to persons having served apprenticeships of seven years, or being the eldest sons of freemen.

Freedom, Purchase of.

23. It further appears, that at an early period the Freedom of the corporation was purchased at prices varying from time to time, and subject sometimes to abatement, under the provisions of a bye-law, in case the party so purchasing his freedom should marry within the city.

By Gift of Mayor.

24. The Mayor also had the privilege of nominating one freeman during his year of office; this privilege was however taken away by a bye-law bearing date the 27th of February 1702, and in lieu thereof a sum of £5 in addition to his salary was allowed to him.

Stat. Charles II. Settlers.

25. In addition to these, it appears that the right conferred on Protestant Settlers and Strangers by the Statute of Charles II., and the new rules made pursuant thereto, was fully recognised in this corporation; and there are numerous entries of the admission of such persons to the freedom, on payment of the sum of 20*s.* prescribed by the Act.

Some doubt has been raised, whether the freedom so conferred gave the persons taking it out all the privileges of freemen at large, or whether it was confined to trading and commercial immunities, as there are some entries in the books of persons, formerly so admitted under the statute, being afterwards admitted to the freedom at large.

Right not lately recognised.

But whatever were the privileges it conferred, the corporation now prevent all question on the subject, by refusing altogether to recognise such Right of admission.

About five or six years ago, a Mr. Palmer, an Englishman, who came to settle within the city, applied to the corporation to be admitted, and was refused, though there was no question but that his case came within the provisions of the statute. He took the oaths before a county magistrate, and then applied to the Court of King's Bench for a *mandamus* to oblige the corporation to admit him. The law agent of the corporation, by their direction, resisted the application. A conditional order was granted by the court; but before the case came to argument, Mr. Palmer died. The resistance to this claim cost the corporation, in law expenses, £146 10*s.*, besides a sum of £86 0*s.* 7*d.*, which they granted to Mr. Sheriff Deane, to reimburse him the costs of an action, brought against him by Mr. Palmer, for an assault, in turning him out of the Court of D'Oyer Hundred, when, after taking the oaths before a county magistrate, he insisted on taking his place there as a freeman.

Other Instances of modern Exclusion.

26. Thus it would appear, that in this, as in all other corporations which we visited, the struggle has been always to narrow and limit all right to the freedom as much as possible, and to confine the admission to the corporation to the more convenient mode of grace especial. Nor does this spirit, in the case of the corporation of Cork, seem to be yet extinguished; as though the service of apprenticeship to attorneys has been always considered to confer the right, and many of the present freemen, and amongst others, the town clerk, were admitted by virtue of such service, the corporation have, within these three years, adopted a resolution of refusing to recognise a title so derived, and have accordingly refused the application of several persons claiming to be admitted by virtue of it. The right by birth has also, within the last few years, been construed more narrowly than before. Previously to that time, persons were admitted as the eldest sons of freemen, who had become so by death of their elder brothers; but it is now insisted, that the right exists only in the first-born son of a freeman; and such as are not so, have been latterly refused their freedom.

Grace.

27. The mode of admission by Grace Especial is regulated by a bye-law of the 5th February 1721, which enacts, "That no freeman at large shall be made, who shall not first petition the mayor, sheriffs, and common council, and afterwards be approved of in open Court of D'Oyer Hundred: Provided always, and that nothing herein shall be construed to extend to any persons of quality or great distinction, who should happen to be at any time in the city, and to whom the council should think fit to make a present of their freedom, such person or persons, however, not being under the degree of an esquire; nor to debar such persons as have a right to their freedom, by having served seven years as an apprentice to a freeman at large, or by being the eldest son of a freeman."

Nomination of Freemen now in the Council.

Under this bye-law, the Council have assumed the exclusive right of nominating freemen by grace especial, though the persons selected by them are subject afterwards to the approbation of the Court of D'Oyer Hundred. Instances, however, of the Court of D'Oyer Hundred disapproving of persons nominated by the council, are stated to be of very rare occurrence. By an arrangement amongst themselves, the members of the council, at their annual meeting, first agree upon a list of persons, whom all think proper to be admitted to the freedom, and then each member has the privilege of nominating one friend, who, unless considered by the other members as objectionable, is, as of course, admitted. Thus the common council have the absolute selection and nomination of the freemen, and thereby full power to make the corporation as exclusive as they please.

Panel of Freemen, and of the registered Voters.

28. The number of Freemen at present is 2665. Of these 1072 are resident, and 1593 non-resident; 2592 are Protestant, and 73 are Roman Catholics. Of the freemen, 1242 are registered as entitled to vote for the city members; but, of these, 874 only are resident in the city, or within seven miles of it; the remainder, being 368, are non-resident, and were

admitted to register under the construction which Baron Pennefather, on appeal from the registering barristers, gave to the 9th section of the Reform Act. Thus,

The number of registered freemen is			1242
The number of registered householders is			2222
The number of freeholders registered is—			
£50	78		
£20	138		
£10	17		
£2	621	Total	854
The number of rent chargers is			7
The number of leaseholders of £20	25		
,, of £10	72	Total	97

Making, together, a constituency of 4422, of whom 3696 voted at the last election.

Officers of Corporation.

29. The Officers of the Corporation are,
The Mayor.
Two Sheriffs.
Recorder.
Six Aldermen of the Ward.
Common Speaker.
Town Clerk.
Chamberlain.
Clerk of the Crown.
Clerk of the Peace.
Clerk of the Council.
Water Bailiff.
Deputy Water Bailiff at Cove.
Ditto at Passage.
Ditto at Ballinacurra.
Chaplain.
Sword Bearer.
Mayor's Secretary.
Two Serjeants at Mace.
Superintendent of the Toll Collectors.
Superintendent of the Markets.
Assay Master.
Two Mayor's Serjeants.
Two Sheriffs' Serjeants.
Two Sheriffs' Bailiffs.
A General Weighmaster, and
Three Weighmasters in the Grand Parade Market.
Steward of the Mansion House.
Warden of Black Rock Castle.
Two Coroners.
Billet Master.
Calculator of the Assize of Bread.
Keeper of the Exchange and of the City Court House.
Ditto of Council Chamber.
Ditto of Mardyke Gate.

Mayor, Functions of.

30. The Mayor is a justice of the peace, both for the city and liberties and for the county of Cork, and is entitled to be the first person named in every commission to be executed within the city. He is one of the judges of the Court of Record, and of the Court of Conscience; and is, by virtue of his office, one of the members of all public boards and committees within the city, under the local Acts; he is president of the council, and also of the Court of D'Oyer Hundred.

Though a justice of the peace, he does very little duty, as such, since the establishment of the police office, confining himself principally to those cases in which he has, under various statutes, as chief magistrate of the city, exclusive jurisdiction.

Emoluments.

31. The mayor's salary is at present £1200 per annum. The amount occasionally varies, there being a standing committee on revenues, who inquire into the state of the funds, and report annually; and, according to their report, alterations in this, as in other matters of expenditure, are from time to time made.

In 1820, the mayor's salary was £1600; and in the next year, it was reduced to £800, in consequence of the corporation being at that time engaged in extensive litigation about their tolls. It was afterwards raised to £1,000, and, in 1828, was fixed at its present amount. The Court of D'Oyer Hundred occasionally vote a sum of money to him, after going out of office, in addition to his salary.

Besides this salary, the mayor has other emoluments, arising from certain dues on corn, fish, and fruit, which, with a small fee received on affixing the city seal, amount, on an average, to about £330 per annum. He has also an excellent house and offices, fully furnished and supplied with plate and all other necessaries, and two servants, under the name of mayor's serjeants, clothed in livery, provided for him at the expense of the corporation.

The corporation pay a rent of £60 per annum for the Mansion House and offices; and they bear any extraordinary expenses which may be incurred by the mayor in entertaining persons of great distinction, who visit the city, or in journeys performed by him on corporate

CITY OF CORK.

business. They also pay for renewing the furniture and repairing the house. These extra expenses frequently amount to £500 a year; so that the expense of the establishment of chief magistrate is not less than £2000 a year. Such an establishment seems quite disproportionate to the annual income of the corporation, which, one year with another, does not much exceed the sum of £6000; the more particularly, as it is subject to no deduction whatsoever for any necessary expense of the office, the only charge upon it being the keeping up of the usual hospitality, the extent of which is entirely at the discretion of the mayor for the time being; and so far as we could ascertain, the office is one generally of considerable profit.

Sheriffs, Salary of.

32. The Sheriffs have no Salary at present, nor any emoluments, but the ordinary fees of office, nor are they subject to any necessary expense incidental to it. They were formerly entitled to salaries of £50 each. It was then the practice for the mayor and sheriffs to give an entertainment, at the time of their election, to all the freemen; but, in the year 1787, a resolution was adopted, at the recommendation of a committee of the Court of D'Oyer Hundred, that in future, instead of such entertainment, a sum of £100 should be contributed by the mayor, and a similar sum by the two sheriffs, to form a fund for distribution among the poor freemen. Since that time, these sums have been paid annually by the chamberlain to the fund, and the sheriffs' salaries have been discontinued. An equivalent deduction for his part was formerly made from the mayor's salary; but though the sum is still paid by the chamberlain, no deduction is made from the mayor's salary in respect of it.

Mayor and Sheriffs' Charity.

33. The fund so raised is called "The Mayor and Sheriffs' Charity," and the amount is distributed in small sums amongst a number of the poor freemen, whose names are inserted in a list, and vacancies filled up from time to time; the objects of the bounty seem to be fairly selected.

Recorder, Election of.

34. The Recorder is elected by the freemen at large, in the Court of D'Oyer Hundred. No qualification of residence, or otherwise, is required, except that he must be a freeman. A barrister, however, has been always elected, and none other would, under the local Acts of Parliament, have jurisdiction in the city courts. He is by charter a justice of the peace of the county of the city of Cork, and is by usage a member of the common council; the latter right was resisted on the election of the present recorder, but he brought the question by *mandamus* before the Court of King's Bench, in the year 1810, and succeeded in establishing the right. This resistance appears to have originated with the council, and the expense of the litigation was paid out of the private funds of the members.

Duties of.

35. His Duties are to preside in the criminal court, where he or his deputy, being a barrister of three years' standing, is empowered to sit alone to try prisoners, under the Act of the 11, 12 Geo. III. c. 18. He is by the same Act constituted one of the judges of the mayor and sheriffs' court. The present recorder (William Wagget, Esq.) is one of his Majesty's council, and a man of the highest eminence and character in his profession, but has given up his practice, and is now constantly resident. He sits once a week in the criminal court. He also holds the Court of Record weekly on the same day as the criminal court. But if the business of both courts be not concluded on that day, he adjourns over to the next, and so proceeds until he disposes of it.

He is also the legal adviser of the corporation, and is consulted and gives his opinion to them without any remuneration in fees.

Salary and Emoluments of.

36. For all these duties, which he discharges so as to give great and universal satisfaction, the recorder's only remuneration is a salary of £60 a year, and some fees in the mayor and sheriff's court, which do not amount, on an average, to more than £50 annually. He has no other emolument or perquisite whatsoever. Such an officer, so paid for such important services, forms a strong contrast to the salary and emoluments attached to the office of the mayor, above specified. It is but justice, however, to the corporation to state, that some years ago, on his giving up his practice in Dublin, it was proposed to raise the recorder's salary considerably, but he declined accepting of such increase.

Six Aldermen of the Ward, Election of, and their Duties and Emoluments.

37. The six Aldermen of the Ward are elected from amongst the aldermen, under the charter of Charles I., by the freemen at large, in a Court of D'Oyer Hundred, held for the purpose when a vacancy occurs. They hold the office for life.

They were formerly elected each for a specific ward, with jurisdiction to hear and determine all causes between party and party, under 40*s*., arising within their respective wards; but the distinction of wards having been lost in course of time, and the aldermen of the ward having each usurped a jurisdiction throughout the whole county of the city, an Act of Parliament, passed in the 3d Geo. III., confirmed the practice which had so crept in, and granted each of them jurisdiction over the entire county of the city. By a recent Act, the 3 Geo. IV. c. 85, it was provided that a convenient place should be procured, in which a court, called "The Court of Conscience for the County of the City of Cork," should be held, and that it should be lawful for the mayor of the city, and the aldermen of the ward, not less than three being present at such court, to decide and determine all disputes and differences between party and party, for any sum not exceeding 40*s*., in all actions or causes of debt. A table of fees, to be taken in the court, is set forth in the Act.

Court of Conscience.

In pursuance of this Act, a place has been provided, and the aldermen of the ward hold a court there daily. The mayor, however, never sits or takes any part.

Police Office.

38. The same statute enacts that the aldermen of the ward should provide one or more Public Office or Offices, connected with or convenient to the Court of Conscience, and that one or more of them should diligently attend thereat to execute the office of justice of the peace for the city and county of the city of Cork.

Fees in.

It further directs that no fees should be taken by any justice of the peace, or by his clerk, for any act done as a justice, except at this public office; and that a table of fees to be taken in it should from time to time be presented by the grand jury of the city of Cork, at the assizes, and be certified by the clerk of the Crown, and laid before the judges of the King's Bench, who should either confirm the same, as settled, or with such alterations in them as to the judges should seem proper. Pursuant to this Act an office has been provided, near the Court of Conscience, and one or more of the aldermen of the ward sit there daily, to take informations and perform the other duties of justice. The Act having provided that the fees taken in the office, after payment of the necessary charges of maintaining the office, and the salaries of clerks and attendants, should be divided amongst the aldermen of the ward in such proportions as they should settle amongst themselves, they have come to an arrangement, that as well those fees as the costs payable to them in the Court of Conscience, should be collected into one fund, and divided equally amongst them, at the end of each week.

The annual amount of this fund, taken on an average of the last four years, has been about £1300, and the average expenses about £300; dividing thus about £180 a year to each alderman.

Common Speaker.

39. The Common Speaker is an officer supposed to represent the commonalty. The office is very ancient, being mentioned in the corporation books so early as the year 1612; but the duties seem to have been always nominal. At present he has only to keep one of the keys of the chest, where the corporation records are deposited, and to attend the council, where he is permitted to sit and hear the deliberations, but not to vote.

Election of.

He is elected by the freemen annually, in the Court of D'Oyer Hundred; the mayor nominating one person, the sheriffs a second, and the common speaker of the last year, with the approbation of the freemen, a third. These three persons are put in nomination as candidates, and the person is elected who has a majority of votes.

Rule of Friendly Club as to.

Here, again, the Friendly Club interfere, and settle amongst themselves previously, by election, who shall be common speaker; and by a Rule of the club, all its members are bound to support the person who is elected in the club. They always elect a member of their own body, and the common speaker, of one year, is generally chosen one of the sheriffs for the next.

Club and its Origin. Effect of, on other Elections.

40. Thus the Friendly Club determine the election to four of the principal corporate offices, those of mayor, sheriffs, common councilman, and common speaker. It was stated to us that it interfered in no other way in corporate affairs; but if this be so, we think it was a very unnecessary precaution on the part of its members to have withheld from us an inspection of its books. But although it may be true that there is no rule of the club regulating the votes of its members in other elections, yet it is obvious that the habit of acting together, in certain instances, must engender partisanship in other cases; and such appears to have been the result, as there is no instance of any candidate for a corporate office, not a member of the club, having succeeded in a contest against a candidate who was so. It is only when both, or neither of the candidates are members, that a contest can be sustained with any thing like equal chances of success; and, in fact, very nearly all the officers of the corporation and public boards are members. No Roman Catholic has ever been admitted. This club originated about seventy years ago, in an effort on the part of the corporation to overthrow the power of the Shannon family. The effort was successful; but the members of the club, having discovered their power, continued it for other purposes, and its organization has been ever since maintained so effectually, that the members of it, by acting together in the Court of D'Oyer Hundred, possess all the power in corporate affairs.

The Town Clerk.

41. The Town Clerk is elected for life by the freemen at large, in a Court of D'Oyer Hundred, when a vacancy occurs in the office. The only qualification necessary is that he be a freeman. His duties are to attend the Court of D'Oyer Hundred, and enter the proceedings. He is also register of the mayor and sheriffs' court, keeps the records, and is clerk of the rules there. His Salary has been for some years £91 per annum. His other Emoluments are fees on the admission of freemen, fees in the mayor and sheriffs' court, and fees on the granting of pawnbrokers' licences. Those altogether amount, on an average, to £150 per annum.

Salary and Emoluments of.

Chamberlain.

Salary of.

42. The Chamberlain is elected in the same manner as the town clerk. He must also be a freeman, which is the only necessary qualification. His Salary is £100 per annum. He has no other emoluments, except the benefit he may derive from balances in his hands, which are seldom of any considerable amount.

Duties of.

His Duties are to receive and disburse the corporation revenues, and to keep the accounts. His accounts are made up and balanced monthly, and a general annual account is made up to the first Monday after the 29th September, and is laid before the council. Auditors are afterwards appointed, and the account is audited in the May following.

Security of.

He gives Security, by himself and two sureties, in the sum of £2000.

Clerk of the Crown.

43. The Clerk of the Crown is elected in the same manner as the town clerk, and is subject to the same qualification.

Duties of.

His Duties are the ordinary duties of clerk of the Crown of a county, and his salary is £200 Irish, presented by the grand jury. He has other emoluments arising from fees on Crown summonses, fees on giving copies of indictments, and on other business in the court.

Clerk of the Peace.

44. The Clerk of the Peace is elected in the same manner as the clerk of the Crown, and his duties are the ordinary duties of clerk of the peace.

His salary is £250 Irish, presented by the grand jury. He has also fees on Crown summonses, on copies of indictments and informations, on licences to publicans, and on certificates of voters registered for the county of the city.

CITY OF CORK.

45. The three offices of town clerk, clerk of the Crown, and clerk of the peace, had been always united in the same person up to the death of the late town clerk, in the year 1831, when it was determined to separate the offices, and accordingly three several gentlemen were appointed to succeed him.

Clerk of the Council.

46. The Clerk of the Council is elected by the council by a majority of voices of members present on the day of the election, which is held when a vacancy occurs.

The town clerk is always elected to this office, which he holds at the pleasure of the council, but in practice is never changed.

Duties of.

The Duties of the clerk of the council are, to issue summonses for meetings of the council, which he does when directed by the mayor, to attend the meetings and make entries of the proceedings.

Salary of.

The salary is £25 per annum, paid out of the corporation revenue.

Water Bailiff.

47. The Water Bailiff is elected by the freemen, in the Court of D'Oyer Hundred. He holds the office during pleasure, and previously to the appointment of the present water bailiff there was an annual election to the office. His only Duties now are to execute writs, from the mayor and sheriffs' court, on the water; the harbour dues, which he formerly collected, being entirely extinguished under the provisions of a local Act, 1 Geo. IV. c. 52. The Salary of the water bailiff is now only £20 a-year, paid by the corporation. When he collected the harbour dues, it was £100 a year; on their extinguishment it was reduced to £50; and on the appointment of the present water bailiff, to £20. Besides his salary, he has fees on the execution of writs of mesne process, and the usual poundage on executions. He has three Deputies, at Cove, at Passage, and at Ballinacurra, who have salaries of £10 a-year each, and are appointed by the harbour commissioners.

Duties of.

Salary and Emoluments.

Deputies.

Chaplain.

48. The chaplaincy of the corporation is a purely honorary office. The Chaplain has no duties to discharge, nor any salary or emoluments. Formerly the chaplain had 20 guineas a-year, but about five or six years ago, on the death of the late chaplain, the salary was discontinued.

Swordbearer.

Salary and Emoluments of.

49. The Swordbearer is elected by the freemen, in the Court of D'Oyer Hundred. His duties are to attend that court and the mayor, on public occasions. His Salary is £12 2*s.* 8*d.* per annum, payable by the corporation. He is also entitled to a fee of 2*s.* 6*d.* on the admission of each freeman, and to certain dues on dry fish, salt, coals, and oysters, lemons, oranges, fresh fish, and herrings. The quantities of those articles, which he is entitled to take out of each vessel, are specified in a docket of tolls hereto annexed.

Extortions in their Collection.

The swordbearer has usually farmed his dues; the coal dues, and the lemon and orange dues, to one of the officers of customs, at eight guineas a year; and all his other dues at £10. This method of collecting the dues has been the cause of great imposition on the public. An officer of the customs, who held them until within these few years, by means of his situation in the custom house, was enabled to levy from the masters of vessels so much as 2*s.* 6*d.*, as for swordbearer's dues, out of each vessel, from which he was entitled to only one peck of coals, which at the price of the day was worth about 3*d.* The same individual also farmed the mayor's dues for a great number of years, and in the collection of these also made excessive levies on the public. He also collected the dues of the harbour board; but a discovery having been made, about four years since, of his being in the habit of defrauding this board, he was dismissed from all his situations.

Mayor's Secretary.

50. The Mayor's Secretary is appointed by each mayor when he comes into office, but in practice the same person has been continued in the office for a great number of years. The present secretary has been obliged, occasionally, to pay for the appointment different sums, varying from £25 to £200.

Salary and Emoluments of.

His Salary is 50 guineas a year, paid by the corporation. He has also a variety of fees and perquisites, specified in a docket hereto annexed, which for the three years up to 1832, amounted on an average to £77 5*s.* 9½*d.*

Previously to the establishment of the police office, when the mayor acted generally as a justice of the peace, the fees of the secretary amounted to between £300 and £450 per annum. At present, when the fees are so much reduced, this officer would seem inadequately paid for the duties he has to perform; but he holds besides this office those of coroner, secretary to the harbour commissioners, and secretary to the house of industry and lunatic asylum, in which offices he has salaries amounting together to £125 a-year, and has besides time sufficient to practise as an attorney.

Two Serjeants at Mace.

51. The two Serjeants at Mace are nominated annually by the mayor, but the same persons are generally reappointed. One exception to this practice took place, however, on the coming into office of the present mayor, who appointed the superintendent of markets in the place of one of the former serjeants. They perform nearly all the duties of sheriff to the Court of Record, summoning the jurors and executing all writs and attachments by land, but writs of inquiry are not sped before them.

Emoluments of.

Out of court their duties are to bear the maces in processions. They have no salaries, their Emoluments arising from fees on writs and the usual poundage on executions.

Superintendent of the Toll Collectors.

52. The office of Superintendent of the Toll Collectors has been recently instituted by the committee of revenues, who appoint the officer. His duty is to superintend the collectors of the gateage tolls, and take care that they neither extort from the public nor defraud the corporation. He receives from them every evening the sum collected during the day, and pays in the amount every Wednesday to the chamberlain, deducting thereout the expenses of collec-

CITY OF CORK.

tion, which are about £8 16*s.* 6*d.* weekly. His own salary is £3 a week, the duties which he has to discharge occupying his whole time.

Before the appointment of this officer, the corporation let those tolls annually; but numerous well-founded complaints being made of the extortion and violence of the persons employed to collect the tolls by the lessee, the corporation took the collection into their own hands, about three years ago; and the committee having selected a very proper person to superintend the collection, the public have derived great benefit from the change, which is felt and universally acknowledged.

Toll Collectors.

53. The superintendent has 27 Collectors under him, who are appointed by the committee of revenues. They are placed at 13 different stations of entrance into the city, to collect the toll, and receive salaries of from 8*s.* to 10*s.* a week each.

Superintendent of the Markets and Assay Master.

54. The Superintendent of the Markets, whose duties and emoluments are hereafter detailed, is also Assay Master. His duty, as such, is to assay the weights in the markets, which he does every three months, and to assay and regulate the weights of all private persons, who require him to do so, for which he charges 2*d.* for every half hundred weight, and 1*d.* for every lesser weight. He also inspects measures, for which he is paid, for a gallon 2*d.*, and for every lesser measure 1*d.* These charges exceed those prescribed by the statute of 7 Henry VII. c. 3. His fees arising from this office amount to about £15 per annum. He is appointed by the mayor.

High Constables.

55. The same person is also one of the two High Constables, who are appointed by the grand jury. Their salaries are £50 Irish each, presented on the county of the city, and they are exempt from all city rates. Their duty as high constables is to execute warrants in all serious criminal cases, in which they are aided by the sheriffs and the armed turnkeys of the city gaol and bridewell. In addition to all these offices, the present mayor has appointed this individual one of the serjeants at mace, as already mentioned.

Mayor's Serjeants.

56. The two Mayor's Serjeants are appointed by the mayor, and are in fact his livery servants. They are provided with liveries, and paid 9*s.* a week each by the corporation.

Sheriffs' Serjeants.

57. The Sheriffs' Serjeants are also their personal attendants, and are appointed by them. They are paid 3*s.* a week each by the corporation.

Sheriffs' Bailiffs.

58. The Sheriffs' Bailiffs are also appointed by them. Their duties are to serve summonses on jurors, and to execute warrants, except where special bailiffs are nominated.

General Weighmaster.

59. The General Weighmaster is appointed by the mayor, under the 4 Ann c. 14, sec. 3. He attends at the general weighhouse, and keeps the beam and weights. His emoluments are the fees payable under the Act, out of which he pays the expenses of the weighhouse.

Former Butter Weighmasters.

The Butter trade of the city of Cork, up to the passing of the Act of the 10 Geo. IV. c. 41, was under regulations peculiar to this city. The statute of the 40 Geo. III. c. 100, repealed the then existing laws therein recited, regulating the sale of butter, so far as same affected the city of Cork, and placed it under peculiar restrictions, which Act was revived and continued, save in certain particulars, by the local Act, 53 Geo. III. c. 70. This latter Act vested the appointment of three weighmasters in the common council of the city of Cork, thus restoring to that body the right of appointment under the 10 Geo. I. c. 9, which by the 30 Geo. III. c. 24, had been taken from them, and given to the Crown; and, after authorizing such weighmasters to take the fees prescribed by the Act of the 40 Geo. III., (being 1*d.* for any weight not greater than 1 cwt., 1½*d.* for any weight not greater than 1½ cwt., and 2*d.* for any weight not greater than 2 cwt.,) it directed that such fees should be paid over by the weighmasters at the end of each month to the chamberlain of the city, who, after deducting £30 per annum for his trouble, should apply one-third of the residue, in the first place, in keeping up a weighhouse, with all matters necessary, and next, in remunerating the weighmasters; and that he should pay over the two remaining thirds in equal shares to the Wide Street Board and Harbour Board.

The three weighmasters were thus appointed and remunerated until the passing of the Act of the 10 Geo. IV. c. 41, which repealed a clause in the 40 Geo. III., by which all persons selling butter in the city of Cork, were compelled to bring it to be weighed to the weighmasters appointed in manner before mentioned. Several of the restrictive clauses of the 40 Geo. III. being still in force at their weighhouse, while all restrictions as to butter weighed elsewhere were altogether repealed, the public ceased to bring butter to be weighed by them, and their business altogether disappeared.

Present Weighmaster.

Agreement between Mayor and Merchants as to his Fees.

Under these circumstances, it was suggested to the then mayor, to appoint a general weighmaster for the city of Cork, pursuant to the statute of 4 Anne, c. 14, which was accordingly done; and it was agreed between the Mayor and Committee of Merchants, that the same Fees should be paid to this weighmaster as had been previously paid to the three butter weighmasters, under the 40 Geo. III., and that they should be applied in the first place in paying a salary, which had been agreed on, to the weighmaster, and that the surplus should be paid into bank, to the credit of three gentlemen, to be by them divided between the Wide Street and Harbour Boards as before. This arrangement was acted on for some time, when the public discovered that the fees payable under the statute of Anne were only ½*d.* for every draught under 1 cwt., and 1*d.* for every draught weighing one hundred or upwards, and refused to pay more. Since that period, the whole fees received have been applied by the weighmaster in discharging the expenses of the establishment and to his own use.

CITY OF CORK.

Investment of £1200, under Agreement.

At the period that the larger fees ceased to be paid, a sum of about £1200 was paid into bank, in pursuance of the arrangement, and is now funded in the names of the three gentlemen agreed on; the Wide Street Board having refused to accept their share, lest their doing so should prejudice a negotiation, which is on foot with Government for compensation for the loss of their proportion of the butter weighhouse dues.

Market Weighmasters.

60. The Weighmasters in the Grand Parade Market are also appointed by the mayor, and are furnished with scales and weights by the corporation. They are paid for their trouble by agreement with the butchers who employ them.

Warden of Black Rock Castle.

61. The Warden of Black Rock Castle is an officer appointed of late years, since the rebuilding of the castle after it was burned down. His duty is to take care of it, and for this he has a salary of £26 per annum, and resides in the castle.

It is used as a lighthouse, and the warden has also the care of the light, for which he has a further salary, paid by the harbour commissioners, of £26 per annum.

Coroners.

62. The two Coroners are elected for life by the freemen, in the Court of D'Oyer Hundred. Their duties are the ordinary duties of coroners within a county. They have salaries of 40 guineas a year each, presented by the grand jury under the 50 Geo. III. c. 9, and they have the usual fees on executions when delivered to them.

Billet Master.

63. The Billet Master is appointed by the mayor. This office has been instituted within the last twelve months. The duties were previously performed by the city high constables, but, they having complained of being obliged to perform the duty without remuneration, the present billet master was appointed at a salary of £20 per annum, paid by the corporation.

Calculator of Assize of Bread.

64. The Calculator of the Assize of Bread is appointed by the mayor, during pleasure. His duty is to assist the mayor in making the calculations upon which the price of bread is regulated. His salary is 16 guineas per annum.

Steward of Mansion House.

65. The Steward of the Mansion House is the person who has charge of the mansion house and furniture, for which he has a salary of 9*s*. per week.

Keeper of the Exchange, and City Court House.

66. The Keeper of the Exchange and of the City Court House is appointed by the sheriffs, and has a salary of £12 12*s*. per annum.

Keeper of Council Chamber.

67. The Keeper of the Council Chamber is appointed by the sheriffs, and has a salary of £6 10*s*. per annum.

Keeper of Mardyke Walk.

68. The Keeper of the Mardyke Gate, which is the entrance to a public walk for the citizens, is appointed by the mayor, and has a salary of £5 5*s*., paid by the corporation.

Grand Juries at Assizes, Selection of and Functions.

69. Before we state the constitution of the local courts, and the manner in which justice is administered by them, we shall advert to the operation of the corporate system on the selection of Grand Juries at the Assizes for the county of the city of Cork. It is obvious that the sheriffs, to whom belongs the constitutional power of summoning and empannelling jurors at the assizes, and who are elected to that office by the means already described, must be liable to the suspicion of being influenced in the performance of their important duties by that spirit of partisanship which procured their promotion. We found that an exceedingly strong impression prevailed that such a spirit has governed the sheriffs in their selection of grand jurors. This body not only perform the important functions of finding bills of indictment, but also levy by their presentments a sum amounting to near £29,000, annually; of which, except about £8,800 which is paid over to the Wide Street Board, they have either the patronage or disposal. They have also the power of appointment to several lucrative situations connected with the gaol, bridewell, and court house. It is, therefore, a subject of the deepest interest to the citizens, that this body should be fairly chosen from the intelligence, wealth, and respectability of the city, without distinction of religion or politics. This, however, does not appear to have been heretofore sufficiently attended to; for we found that of the grand juries empannelled since the year 1820, members of the Friendly Club constituted always a considerable majority, that one-half, at least, of each jury were corporate officers, and that the names of several persons, who had become bankrupts or insolvents, appear on the lists, while there has been, in several instances within that period, only one Roman Catholic empannelled. Some increase has been made in the number of Roman Catholics placed on the panels within the last four years, the number on each jury, within that period, varying from four to five.

Levy and Assessment of Money.

70. The Grand Jury cess, except the sum of £3,200 a-year, presented for lighting the city, which is levied off the city and suburbs only, is assessed, under the 53 George III. c. 111. two-thirds on the city and suburbs, and the remaining one-third on the rest of the county of the city. It is generally admitted, that this distribution of the rates is unjust, in respect that certain parts of the city, as built on, are without the city and suburbs, according to the limits for the purpose of taxation; and houses, there, are consequently only applotted for one-third, whilst tenements of much inferior value and belonging to the poorer classes, within the city, are subject to the applotment of two-thirds.

Defects in Mode of applotting Rates.

The Applotment of the two-thirds on the city and suburbs is made according to the value of the premises, all houses of less annual value than £5 being exempt; houses let out in rooms are also exempt, under the local Act, 53 Geo. III, c. 111, an indulgence which was represented to us to have the effect, merely of enabling the landlord to charge a higher rent, and not of serving, in any manner, the poor occupants. Returns of the houses so let are made to the grand jury, at each assizes, by the churchwardens and two constables appointed for each parish, and also of waste and untenanted houses. These returns are verified on oath, and the houses mentioned in them are exempted, until they appear in some subsequent return as liable. It does not appear to us that the grand jury or treasurer have

any power under the Act to depart from the returns so made and verified; yet the grand jury have recently appointed an officer, called the superintendent of the parish constables, at a salary of £40 per annum, to check and alter these returns, and the treasurer is governed in the issuing of his warrants to the collectors, by the returns so altered by this officer.

Local Courts.

71. The Local Courts in the city of Cork, connected with the corporation, are the Mayor and Sheriffs' Court, the City Sessions Court, the Court of Conscience, and the Police Office, or Magistrates' Court.

Mayor and Sheriffs' Court. Jurisdiction and Practice.

72. The Mayor and Sheriffs' Court was originally held before those officers as judges; but by the 11, 12 Geo. III. c. 18, the recorder, or his deputy, being a barrister of three years' standing, was made judge of the court, and authorized to sit alone. In his absence, the mayor and one sheriff are necessary to constitute a court. The court at present sits once a week. It has Jurisdiction in all personal and mixed actions, except replevin and ejectment, in pleas to any amount. It is a Court of Record, and the pleadings are as in the superior courts, the rules running from court day to court day. There are three modes of commencing a suit, viz., serviceable writ, bailable writ, which is also called action, and attachment against goods. Those several writs must be served or executed within the limits of the county of the city; and before any of them issues, an affidavit must be made, either that the cause of action arose, or that the defendant resides, within the jurisdiction. For the purpose of issuing a bailable writ, or an attachment against goods, the affidavit must further state, that the debt is due, which, in cases of arrest, must now amount to £20, and in case of attachment of goods, to 40*s*. Irish.

If bail be put in, and the case is not defended, execution may be had in three weeks after the return of the process. If bail be not put in, it may require five weeks. When the case is defended, and an issuable plea put in, a trial and execution may be had in three weeks. If other pleas be put in, the time must be longer. The Costs of an undefended Cause, between party and party, are about £8. If defended, and a trial had, about £14. There is some difference in the costs, according to the amount of the debt recovered; the fee allowed to the attorney for attending the trial, or speeding a writ of inquiry, being graduated according to the amount of the debt, the smallest sum being 6*s*. 8*d*., the largest, two guineas.

Duration and Costs of Suits in.

The present table of costs was revised, with the sanction of the court, by the late town clerk. The present town clerk, and some of the practitioners in the court, think it too high, and a reduction is contemplated. A copy of it is hereto annexed.

Number of Causes.

73. The business of this court has much declined within the last twenty years. In 1812, the Number of Writs for commencing Suits issued was 1186. In the ten years ending 1812, there were 9470 writs issued. In the same number of years ending in 1822, there were but 6566, and in the same number of years ending in 1832, but 3089.

Removal to superior Courts.

74. Cases are frequently removed to the superior Courts by *habeas corpus* or *certiorari*, for the purpose of delay, and are generally returned by *procedendo*. In the ten years ending in 1832, the proportion of writs issued, to judgments obtained, was as 1 to 40. The great majority of cases are settled on the issuing of the process, the costs of which are £1 10*s*. The serjeants at mace strike and summon the juries, which are always composed of respectable citizens, and their verdicts give general satisfaction.

Importance of Cases. Attorneys.

75. Causes to so large an amount as £6,000 or £7,000 have been entertained in this court. Attorneys must be admitted of the court before they can practise in it, and pay a fee of £2 2*s*. to the town clerk, besides the usual stamp duty. In the year 1833, twenty-three had taken out their licences and practised in it. The pleadings must be signed by counsel, and there is a respectable local bar regularly attending the court. Of the excellent judge who presides, we have already spoken. Altogether, this court is admirably constituted; and the citizens of Cork have great advantage over the inhabitants of most other places, in having a tribunal in their city where justice can be so readily and satisfactorily obtained. Some faults however appear to exist which require correction, and some deficiencies it would be desirable were supplied. Of the former, the length and intricacy of the pleadings, and the great amount of the costs, are the principal; and of the latter, the want of a civil bill jurisdiction, and of a power to try ejectments, is most felt and complained of.

Improvements suggested.

76. The assistant barrister for the county has jurisdiction within the county of the city, in all cases within the limits of the Civil Bill Acts, and can try ejectments for nonpayment of rent, or against overholding tenants for lands and premises lying within it. His sessions are held, however, but once in the year in the city of Cork, and that in the month of September, which is shortly before rent becomes due; and if a party wishes to avail himself of this court at any other season of the year, he may have to go himself, and take his witnesses to a town, perhaps twenty miles off, whilst he might have the opportunity, and there seems no good reason why he should not, of availing himself of the assistance of a court sitting weekly within the city, fully competent to try such cases.

Court of City Sessions.

77. The City Sessions Court is held quarterly, before the justices of the peace for the county of the city. The recorder is, under the local Act before referred to, empowered to hold the court alone, and in general is the only judge presiding. A grand jury is returned by the clerk of the peace to serve for the entire quarter, and the court sits weekly.

Number of Cases.

78. The Number of Prisoners tried at the four sessions in the year 1831 was 345, of whom 192 were for felonies, and 153 for misdemeanours. Of the prisoners tried, 244 were convicted, 150 of felonies, and 94 of misdemeanours. Of those convicted of felony, 41 were transported; and the others, with those convicted of misdemeanours, were punished by fine and imprisonment.

CITY OF CORK.

In 1832, the prisoners tried were, for felonies, 157; misdemeanours, 126; convicted of felonies, 143; misdemeanours, 97; transported, 43.

In 1833, prisoners tried, 205; for felonies, 122; misdemeanours, 183; convicted of felonies, 104; misdemeanours, 45; transported, 11.

Juries.

79. The Jurors are returned from the respectable citizens, and the administration of justice in this court gives universal satisfaction.

Market Jury.

A Market Jury is summoned by the sheriff, and sworn in at the commencement of each sessions, and continues in office until the next.

Grand Jury, its Functions.

The Sessions Grand Jury present nuisances, but have no power of levying money on the public.

Court of Conscience.

80. The Court of Conscience is constituted by the 3 Geo. IV. c. 85, which makes the mayor and aldermen of the ward judges; not less than three of them, however, to be sufficient to hold the court; and it empowers them to hear and determine all disputes and differences between party and party, in all actions of debt not exceeding 40*s*.

Provisions of Act of Parliament. Jurisdiction.

The Act regulates the sittings of the court. It gives it Jurisdiction in cases of debt not exceeding 40*s*. due from persons inhabiting, residing, or being within the limits of the county of the city, or keeping any house, shop, &c., or generally using or frequenting the markets, there; and directs the proceeding to be by summons to appear two days, at least, after service, to answer the demand, such service to be either personally on the debtor, or at the dwelling house, shop, &c., being within the jurisdiction of such court; and empowers the judges of the court, upon due proof made of service of the summons, to hear the case by examination of the plaintiff, or otherwise, and make an order therein, and award reasonable costs.

In case the party summoned does not appear, the Act empowers the mayor and aldermen, after proof made upon oath of the service of the summons, to hear the cause on the part of the plaintiff, and to make an *ex-parte* order, giving the party decreed a time and place to show cause, before such mayor and aldermen, against it; at which time and place, whether the defendant shall then appear to show cause or not, the Act provides, that upon proof upon oath made, that a copy of such order had been given to such debtor, or served at his dwelling house, &c., seven days at least before the final order shall be pronounced, a final decree, or order, may be made.

The Act further provides, that the clerk of the court shall not issue any summons, unless the plaintiff shall, at the time of issuing it, deposit with him, for every debt not exceeding 20*s*. the sum of 3*s*.; and for every debt exceeding 20*s*. the sum of 5*s*.; and that if, upon the day of the return of the summons, the plaintiff shall not appear, or shall not make proof of his demand to the satisfaction of the court, but shall become nonsuited, or judgment shall be pronounced against him, the mayor and aldermen may, and they are by the Act required, to award to the defendant a part or the whole of such deposit money, by way of costs and satisfaction for his trouble and attendance, together with such further sum as they shall think fit; and to order the plaintiff to pay such further sum; and if there shall be any overplus remaining in the hands of the clerk after the sum awarded to the defendant, or if the plaintiff shall appear, and make proof of his demand to the satisfaction of the court, that then, and in every such case, the deposit or overplus thereof shall be returned to the plaintiff.

The Act then authorizes the issuing an execution, either against the body or goods of the defendant; and if the body be taken, directs a committal to gaol, there to remain for a certain time in the Act specified, unless the defendant shall perform the decree before the expiration thereof.

The time of imprisonment, limited by this Act, is twenty days, where the debt does not exceed 20*s*., and forty days when above 20*s*., exclusive of costs. If the precept be against the goods, the officer is empowered to levy by distress and sale of the goods of the defendant, being within the jurisdiction of the court, such sum or sums of money as shall be mentioned in the order.

The Act contains a table of fees, and enacts, that such fees, and none other, shall be taken in the court, or by the person performing the office of bailiff; and that a table thereof shall be hung up in some conspicuous place of the court.

Court unpopular.

81. The provisions of this Act of Parliament would seem well calculated to secure to suitors a speedy and effectual mode of enforcing just claims, whilst a sufficient guard is established to prevent defendants from being harassed by vexatious and unfounded demands. Yet this Court is so exceedingly unpopular amongst the citizens of Cork, that one is led to apprehend, either that there is something defective in its original constitution, or that the provisions of the statute are departed from in practice; and, from our examination, we are induced to believe that the latter is the chief cause of the bad repute in which the administration of justice by this court is so generally held.

Arrangement amongst the Aldermen.

82. The mayor, as we have before mentioned, takes no part in the proceedings, and the Aldermen of the ward, by an Arrangement amongst themselves, have appointed two of their number to attend constantly as judges in the Court of Conscience. One alderman of the ward is obliged to attend daily in the police office, or magistrates' court, which adjoins the Court of Conscience. This latter duty the remaining four take by weekly turns, and the alderman who thus attends in the police office, and is called the alderman of the week, makes the third judge in the Court of Conscience, being sent for occasionally when his presence is required, or giving his attendance there when there is no business to be done in the police office.

CITY OF CORK.

In fact, though three aldermen are necessary to constitute a Court of Conscience, and the Act provides that one alderman should diligently attend in the police office; the six aldermen of the ward manage to make three do the business of both courts, a fourth only attending, when under the statutes giving a summary jurisdiction, in cases of assault and trespasses, the presence of two justices is required in the police office, which duty the four aldermen above mentioned also take in rotation.

Consequences of such Arrangement.

83. The Consequence of this Arrangement is, that when a case is called on in the Court of Conscience, the parties are frequently obliged to wait a length of time for the third judge to come over from the police office, or otherwise to enter into a consent that the case should be heard and determined by two only, which has also sometimes been done without consent. Sometimes the two aldermen go into the case, hear the evidence, and then upon the third arriving, the three join in making a decree, and in undefended cases the presence of three aldermen is never considered necessary.

Rule of Court as to Deposits.

84. By the 158th section of the Act we have seen, that it is provided that the plaintiff shall, at the time of issuing his summons, deposit with the clerk of the court the sum of 3*s*. where the debt does not exceed 20*s*., and the sum of 5*s*. when it does; and in case the plaintiff shall not appear, or shall not prove his case, the court are required to award to the defendant a part or the whole of the deposit, by way of costs and satisfaction for his trouble and attendance; and in case of any overplus, or if the plaintiff shall make proof of his demand, to return such overplus or deposit to the plaintiff. The aldermen finding, as we suppose, that the making of so large a deposit prevented suitors from coming to the Court, made a Rule in direct contravention of the Act of Parliament, that instead of the sums prescribed by the Act, the plaintiff should be obliged, before the issuing of the summons, to deposit in cases where the debt did not exceed 20*s*. the sum of 1*s*. 2*d*., and in cases where it exceeded 20*s*. the sum of 2*s*. 4*d*. only, these sums being just sufficient to cover the fees of court on the issuing of the process, and up to the hearing of the cause, to which purpose the deposit is uniformly applied; and though the plaintiff may not appear to prove his case, or may totally fail in doing so, and the defendant may have been most vexatiously harrassed, and have lost much of his time, he receives no remuneration whatsoever.

Practice as to Fees.

85. It sometimes happens that the aldermen in the course of the hearing of a cause, discover that they have no jurisdiction over the matter, and either dismiss it altogether, or if it appear to them to be matter of criminal jurisdiction, refer the party over to the police office. In neither case, however, is any return made of the deposit; and this not unfrequently occurs after the cause has gone so far as a hearing to show cause against an *ex-parte* order.

As to Service of Summonses.

86. Another instance in which the provisions of the statute have been in a most extraordinary manner departed from, is that of the court having altogether dispensed with the necessity of proof upon oath of the Service of Summonses and *ex-parte* orders. Notwithstanding the provisions of the 155th and 157th sections of the Act, which, to give the court jurisdiction to make any decree in cases where the defendant does not appear, expressly require that due proof should be made upon oath of the service of the summons, or *ex-parte* order, the aldermen have adopted a practice that the bailiff of the court and his assistants should, on the previous evening, make a return to the assistant clerk of the court, of all summonses and *ex-parte* orders served by them, and which are for hearing the next day; and from these returns so made, without affidavit or other verification, the assistant clerk makes out a list of the causes for hearing, and from this list the causes are called on and heard, without any proof whatsoever of the service of the summonses or *ex-parte* orders, which is never made unless, as sometimes occurs, the defendant having notice of the proceeding in some manner, appears and disputes the service of the summons or order upon him.

Such a practice, it is manifest, is directly contrary to the provisions of the Act, and one calculated to afford opportunity for great abuse.

Renewal of Warrants.

87. By another rule of the court, for which there seems no reason but the increase of the costs, when a decree is made by the court, the plaintiff has three months to take out his Warrant upon it. If he do not take it out, or if he take it out and it be not executed, and he do not renew it within that time, he cannot obtain a warrant or renew it afterwards, the proceedings go for nothing, and he must commence his cause *de novo*.

Bailiff's Fees.

88. Besides the deposit abovementioned, the plaintiff is obliged, in the first instance, to pay to the clerk of the court the Bailiff's Fee for service of the summons, which is 3*d*. if the debt be under 20*s*. and 4*d*. if over, where the summons is to be served within the city, and 3*d*. per mile for every mile beyond the bounds of it.

Bailiff of Court. Emoluments.

89. The Bailiff of the Court, who is an officer appointed by the aldermen of the ward, and who has also the profits arising from the service of all summonses, and the execution of all warrants from the police office, has from the fees arising from both courts a very lucrative situation. Previously to the passing of the Acts giving to the magistrates the jurisdiction of trying assaults and trespasses, it was worth above £300 a-year; at present it is not worth quite so much. He has six assistants under him, to whom he pays about £110 per annum. The individual who fills this office of bailiff to the Court of Conscience, and to whom also the magistrates require the delivery for service and execution of all summonses and warrants issuing from the police office, except in serious cases, is a half-pay officer of the army. His name is never inserted in the warrants of either court, nor does he perform any part of the duty, his only business being to oversee his assistants, and to receive the fees, which in the Court of Conscience are regulated by the Act of Parliament, but in the police office are left altogether to his own discretion.

CITY OF CORK.

Police Office. Fees therein.

90. The Police Office, or Magistrates' Court, which is established under the same Act of Parliament as the Court of Conscience, fully shares its unpopularity. One of the aldermen of the ward attends there every day, except Sunday, Christmas-day, St. Stephen's-day, and Easter Monday. All the business of justices of the peace for the county of the city of Cork, is transacted there by the aldermen of the ward; the other aldermen, and justices of the peace within the city, seldom interfering, and the mayor seldom acting, but in cases in which he has an exclusive jurisdiction. A clerk has been appointed by the aldermen, who is paid out of the fund arising from the fees taken in the office. Those fees are regulated by a table presented by the grand jury several years ago, and settled by the Court of King's Bench. It does not seem, however, to be strictly adhered to; at least, there are some variations; one in a charge of 8*d.* for drawing a voluntary affidavit, and another by charging 3*s.* 4*d.* on every recognisance, whether with sureties or not, the sum mentioned in the schedule being only 1*s.* 3*d.* on a single recognisance. A charge of 4*s.* is made for hearing in Excise cases and cases by or at the suit of benefit or friendly societies, the sum authorized by the table being only 2*s.* The costs of hearing seem also to be multiplied by adjournments, each adjournment being charged as a hearing. These fees exceed those allowed by the General Petty Sessions Act, 7, 8 Geo. IV. c. 67; but the aldermen of the ward conceive that their court is not affected by that Act.

Informations for Offences. Fees on.

91. All Informations for Offences are taken in this office; and in all, except for the higher offences, such as murder, and serious riots, and violations of the public peace, in which the high constables, or bridewell keeper become prosecutors, the fees authorized by the table are charged. These fees, which amount to 3*s.* 9*d.* before the warrant is issued, must be paid by the person making the information. When the information is lodged, and the aldermen grant a warrant thereon, which is always the first process, a summons never being issued in the first instance, it is directed to the assistants of the bailiff of the Court of Conscience, and is delivered to the bailiff for execution, who charges, for executing a warrant against one person, 2*s.*; against two, 3*s.*; against three or four, 4*s.*; against five, 5*s.*; and above that number, there is some small increase, according to circumstances. Those fees must be paid by the party making the information before he will permit his assistants to execute the warrant, and as the warrants in all cases, except very serious felonies, sometimes even in burglaries, and always in larcenies, are delivered to him for execution, and as the complainants are frequently persons of small means, and unable or unwilling to pay the fees, many of the warrants, even for grave offences, remain in the hands of the bailiff unexecuted, and offenders often thus escape with impunity. Nor will the justices deliver the warrant for execution to the persons making the information themselves, or to others nominated by them, however respectable.

92. Cases of murder, and very serious felonies, or violations of the public peace, are usually prosecuted by the sheriffs, or by the bridewell keeper, or high constables, and in such cases, as also sometimes in the others, where the person making the informations is very poor, the business is done gratis; this, however, the magistrates consider entirely at their own discretion.

93. Much business is done in the Magistrates' Court under the statutes giving summary jurisdiction in cases of assault and trespass. In these cases jurisdiction is given to two magistrates, and when necessary another alderman of the ward attends to sit with the alderman of the week; but here, as in the Court of Conscience, the parties are frequently obliged to wait for the attendance of a second alderman, or enter into a consent to let the case be tried by one, and sometimes cases are so tried without consent. The practice of the justices is to try all cases of Assault and Trespass under their summary jurisdiction, unless they be of a very aggravated nature, or the party complaining insist that the informations shall be returned to the sessions.

Assaults and Trespasses.

Church and Grand Jury Rates.

94. Cases for the recovery of Church Rates, Grand Jury, and other assessments, as also complaints against carmen and jingle drivers, are entertained, and orders made upon them by the justices in the police office. The proceedings against these latter parties furnish a curious instance of how much the practice of a court may be governed by the question of costs. By the Cork Wide Street Act all Fines imposed upon Carmen and jingle drivers are payable to the Wide Street commissioners, to be by them handed over to the Foundling Hospital, and the superintendent of the Wide Street Board is generally the person to lodge informations. For several years past, however, the practice of the justices has been to fine the offenders only in a sum sufficient to cover the costs of the prosecution, and a regular Dr. and Cr. account is kept by the clerk of the court with the superintendent, in which he credits the fines and debits the costs; and on a settlement of the account from December 1828 to September 1831, it appeared that the amount of fines imposed and levied during that period was £172 14*s.* 3*d.*, and the costs of the proceedings £173 1*s.* 11*d.*, leaving a balance on the two years of 7*s.* 8*d.* due by the superintendent to the police office. From September 1831 to October 1833, the amount received for fines was £82 19*s.* 5*d.*, and the costs were £76 17*s.* 10*d.*, leaving a balance of £6 1*s.* 7*d.* in favour of the Board, which, by direction of the superintendent, remains in the hands of the clerk to meet the costs of future cases. In consequence of such practice the hospital is not much the better for the benefits intended it by the statute.

Fines on Carmen.

Aldermen, Members of Public Boards.

95. Another, and perhaps the most prolific source of jealousy and suspicion, in respect to the administration of justice both in the Court of Conscience and the Police Court, arises from the fact that almost all the Aldermen of the ward are connected with one or more of the Public Boards within the city; which boards by themselves, or their officers, frequently have occasion to proceed either in the Court of Conscience, or police office, before these alder-

men for the recovery of rates or penalties, which under the several statutes they have power of levying from, or imposing on the inhabitants.

One alderman of the ward is collector of grand jury cess, another is treasurer and sole manager of the Pipe Water Company, a third is agent to the contractor for lighting the city with gas, and some of them are members of the Wide Street and Harbour Boards.

All of these boards are in the habit of enforcing payment of their rates either by suits in the Court of Conscience, or proceedings in the police office, and nothing can divest the individuals sued, of the idea that they will not obtain justice, when they find that a member of the board instituting the proceedings is one of the judges to hear the case, or that they have to decide, each in turn, on the cases of the others.

Suits for Grand Jury Cess.

96. An extraordinary practice prevails also in the proceedings for the recovery of Grand Jury Cess in the Court of Conscience. The collector of one of the districts of the city, who is himself one of the aldermen of the ward, after he has paid to the treasurer of the county of the city the full amount of the warrant given to him to collect, frequently issues summonses from the court of conscience against such persons as may owe any part of the cess, in the name of the treasurer, though he has been already paid and has no concern whatever in the recovery of the rate, and proceeds therein to decrees, the costs of which amount to 3*s*. each, though the costs of distraining is limited by the act to one shilling; and, by a practice still more extraordinary, the treasurer, who is the nominal plaintiff in the case, is frequently called as a witness to prove the warrant and assessment.

Elections of Aldermen of Ward, Bribery at.

97. The Elections for the office of Alderman of the Ward are frequently contested, and we were given to understand that such elections were sometimes carried by the Bribery of the poorer freemen. Indeed it was stated that bribery prevailed in all elections to offices of emolument save that of mayor.

Relationship between.

98. Of the aldermen of the ward two are father and son, another their connexion; and we have learned that a gentleman related to them has been elected to fill a vacancy which has occurred since our investigation. Thus of the aldermen of the ward, four are now nearly connected.

Defects in Constitution of Courts.

99. We conceive the original Constitution of both the Courts of Conscience and Magistrates' Court may have produced, in some measure, the abuses to which we have adverted; we doubt the policy of making the remuneration of those who are to dispense justice to the poor depend altogether on fees, and we think it a mistake to multiply the number of judges who are to share the profits to so large a number as six, and thus almost necessarily induce severity, if not extortion in their demands. We think also that the two jurisdictions should not be united in the same persons; we are of opinion that if the suggestion we have before taken the liberty to make were adopted, that of extending a civil bill jurisdiction to the recorder, giving no right of appeal in cases under forty shillings, a Court of Conscience would be altogether unnecessary; and we cannot refrain from expressing our conviction that police magistrates receiving salary from the Crown, and answerable to Government for the due performance of their functions, would be better suited to the preservation of peace and good order in so important and populous a city as Cork, than officers who have no personal interest in the discharge of their duties, but the profits which accrue to them from petty litigation.

Police.

100. There is no Police in the city of Cork, nor was there until lately any civil force to aid the magistrates. They were entirely dependent upon the military for the preservation of the peace. Soldiers were placed on the gaol, bridewell, and in two guard-houses within the city. About two years ago the general commanding the district complained of the heavy duty the military had thus to perform, and objected to their being so employed. A meeting of the magistrates and citizens was then held for the purpose of establishing a city police, but the citizens being alarmed at the expense, the attempt proved abortive, and the general then withdrew the military from the gaol, bridewell, and guard-houses. To remedy the inconvenience felt, the grand jury devised the expedient of presenting to the sheriffs at each assizes, under the 7 Geo. IV. c. 74, a sum of money to pay a number of persons, under the denomination of turnkeys, in the gaol and bridewell; some of whom are employed in discharging the proper duties of turnkeys, but the remainder are in fact a police, and discharge the ordinary duties thereof, under the direction of the sheriffs, the keeper of the bridewell, and the high constables. The number of these is sixteen for the gaol, and nine for the bridewell. The sum presented for the payment of them is about £380 at each assizes; the force, however, thus obtained, is very insufficient. Besides the two high constables, who have salaries presented by the grand jury of £50 each, the grand jury present a large number of special constables for the county of the city, and two persons as constables in each parish. The special constables and parish constables have no salaries, but the parish constables are exempt from the payment of city rates. They do not, however, act in the preservation of the peace, their duty being to make returns of insolvent houses within the parish, that they may be exempted from the levy of the rates. The special constables sometimes assist in the quelling of riots or in the apprehensions of persons charged with capital felonies.

There is no night watch of any description. The prisons are a city gaol and a bridewell.

The Gaol.

101. The Gaol is most commodious, and so admirably regulated and conducted as to be a model well worthy of imitation throughout the country. The classification of prisoners is excellent. It is managed by a governor, who has twenty-two persons under him, viz. a deputy governor, matron, one female turnkey, one turnkey, who is also schoolmaster and clerk, a nurse tender, three inside turnkeys, and one at the outer gate, with a serjeant and twelve

Officers of.

CITY OF CORK.

armed turnkeys. Six of the armed turnkeys do the duty of the gaol, and the remainder are employed as police in the manner above stated.

Salaries of.

102. The governor has a Salary of £400 a-year; the deputy governor, £46 3*s.* 1*d.*; the matron, £40; the female turnkey, £16 18*s.*; the turnkey, who is clerk and schoolmaster, £36 18*s.* 6*d.*; the nurse tender, £31 4*s.*; the serjeant of turnkeys, £32 6*s.*; and all the other turnkeys, being sixteen in number, £27 6*s.* each. There is also an inspector, who has a salary of £165; the Protestant and Roman Catholic chaplains, £46 a year each; the surgeon, £50; and the apothecary, £10.

Appointment of Officers.

103. All the Officers, except the inspector, chaplains, surgeon, and apothecary, are appointed by the sheriffs, and removable by them; the power of removal, however, they never exercise, except in case of misconduct. The present governor has held the situation for 34 years; he has no emoluments whatever beyond his salary, no fees of any kind being allowed to be taken in the prison, not even in the debtor's part, in which the different apartments are allocated by the sheriffs or inspector. The governor gives security to the sheriffs in the sum of £3000.

Board of Superintendence.

104. A Board of Superintendence is appointed by the grand jury; to them money for all purposes except the payment of salaries is presented, and they contract for the supply of every thing necessary for the use of the prison. Out of the sum presented to this board for the support of the prisoners, they have been in the habit of purchasing clothing for the turnkeys, an application of the fund which appears not to be warranted by the Gaol Act.

The Bridewell.

105. The Bridewell is for the temporary confinement of prisoners under examination before final committal, and of disorderly persons taken up in the night until brought before the magistrates. There are two apartments; one for males, and the other for females, which can contain about 12 each.

Officers of.

106. The keeper is appointed by the sheriffs, and has a salary of £150, presented by the grand jury. The care of the prisoners in the bridewell forms a very small part of his duties. He acts as a peace officer, and seems to do more duty as such than any other person in the city. He has a serjeant and eight armed turnkeys under him, who though presented for by the grand jury as officers of the bridewell are in truth police, like those in the gaol.

Salaries of.

There is a female turnkey, who has a Salary of £40 a-year Irish. The serjeant of turnkeys has 12*s.* 3*d.*, and the eight men under him 10*s.* 6*d.* a week each.

The Revenues of the Corporation.

107. The Revenues of the Corporation are derived from various sources, viz.:

1st. Fee farm rents payable under ancient grants of lands or premises made by the corporation, and amounting to £320 0*s.* 3*d.* British, per annum.

2d. Rents payable under terminable leases of lands, and premises amounting to £455 2*s.* per annum.

3d. An annual sum of £369 4*s.* 7*d.* paid by the harbour commissioners to the corporation, under a local Act, 1 Geo. IV. c. 52, as compensation for the harbour dues, which belonged to the corporation, and were extinguished by that Act.

4th. Twenty-five shares in the Pipe Water Company, which now pay an annual dividend of £125.

5th. The rent of what are called the out-markets, which are let annually, and produce on an average of the last five years £1300 per annum.

6th. The tolls of the Grand Parade market, collected by the corporation themselves, and which have produced on an average of the last five years £968 per annum over all expenses of collection.

7th. One-sixth of the gross receipts of the tolls of the corn, hay, and straw market, to which the corporation are entitled under a local Act, 3 George IV. c. 79, as compensation for the market toll on those articles, given up by them when the new market was established. Their share of those tolls has, on an average of the last five years, amounted to £400 per annum.

8th. The gateage tolls, which, on a like average, amount to £2308 per annum, after payment of all expenses of collection.

And 9th. The amount of fines imposed by courts of justice within the city, and estreated into the Exchequer, to which the corporation under a grant in one of their charters are entitled. The amount of those fines was formerly remitted from the Exchequer to the corporation, but nothing has been received on foot of them for the last 10 or 12 years.

Net Receipts.

The amount of this revenue is £6237 per annum, not including the expense of the collection of tolls, the Net Receipts only after deducting expenses being paid to the chamberlain.

Fee Farm Rents.

108. The Fee Farm Rents are payable under 27 different grants in fee farm of premises within the city and suburbs made by the corporation at various periods, between the year 1686 and the year 1724. The rents reserved vary from £1 1*s.* 5*d.* to £62, and the quantity of ground granted is generally stated in feet, as in building leases.

Almost all of those grants appear to have been made to members of the corporation, and most of them to aldermen and members of the council. In none of the deeds is there a recital of a letting by auction; some of them are made in consideration of a small fine, and many of them are grants in reversion after the expiration of existing terms, some of 99 years.

Property granted in Fee Farm, now valuable.

109. The Property comprised in these grants, being much of it in the best part of the city, is now very valuable, nor is it the only part of the corporation property which they have departed with as it appears by an inquisition *post mortem*, taken at Cork in the year 1620, that several persons therein mentioned, who had been members of the corporation,

CITY OF CORK.

died seised of lands and premises, which were granted to the corporation by the charter of Henry III. The deeds by which this property was conveyed away are not now forthcoming.

Terminable Leases.

110. The terminable Leases granted by the corporation were made at different periods, from the years 1686 to the present time; counterparts of most of these are forthcoming; the terms granted vary from 999 years to 61; few of them, however, are under 500 years. Those granted subsequently to the year 1721 generally recite a letting by auction according to the bye-law of that year. The rents are generally small. The premises comprised in one of those leases whereby the common lands of the city within the North liberties, and the profits of the fairs held thereon, were granted on the 24th September 1686 to John Newenham, alderman, for a term of 199 years, to commence after the expiration of a then existing term of 31 years at an annual rent of £20, would now produce from £500 to £600 per annum. The lease, however, will not expire till the year 1903.

Mode of letting the Corporation Lands.

111. The mode of letting the Corporation property is now settled by the above-mentioned bye-law, whereby it is enacted, "That no grant, lease, or conveyance whatever shall be made of any lands, tenements, or hereditaments, or other revenues, or interests, belonging to the corporation, unless there shall be first ten days' public notice, published by fixing the same in writing on some public place of the new Exchange of this city, after which it shall be put up to cant and disposed of to the highest bidder; and that no gift, grant, or donation of any of the lands or revenues of the corporation, shall be valid to any person whatsoever, unless the same be agreed to and approved of in open Court of D'Oyer Hundred."

There is no law, however, restricting the length of term to be granted, or preventing the taking of fines or granting leases in reversion.

Expenditure of Revenues.

112. The Revenue of the corporation, amounting to £6237 10*s.*, is expended under various heads of Expenditure, which may be classed as follows, viz.:

Rents payable by Corporation.

1st. Payment of Rents, payable by the Corporation for premises held by them. These amount to £696 19*s.* 8*d.*

Debt.

2d. In paying the interest upon a Debt due by them, and secured by their bonds. The debt amounts to £7247 17*s.* 9*d.*, and the interest, which is paid at the rate of five per cent., amounts to £362 7*s.* 10*d.* a year. When or in what manner a portion of this debt was incurred is not now very well known. It appears by the corporation books that part of it was due so early as 1767. It was, however, much increased of late years by the expense of building the Grand Parade market.

Salaries of Officers.

3d. In the Payment of the Salaries of the different Officers of the corporation, amounting to £1689 8*s.* 5*d.*

Pensions of.

4th. In the payment of the Pensions of one superannuated officer, and of the widows and daughters of the aldermen and burgesses, which, on an average of five years, amount to £287 13*s.*

Repairs of Markets.

5th. In Repairs of the Markets, amounting on a like average to £409 3*s.* 4*d.*

Repairs of Streets and Public Buildings.

6th. In Repairs and improvements of the Streets and Bridges, and in expenditure on Public Buildings, amounting on the same average to £1857 14*s.* 7*d.* The expenditure, however, upon which this average was struck, includes a sum of £2000 granted by the corporation towards the building of a new court house, £800 laid out on the rebuilding of Black Rock Castle, and £600 the purchase money of a house projecting into one of the streets, and which it was necessary to pull down; none of which are ordinary expenses. This average, therefore, should be taken at a much lower rate.

Mansion House.

7th. In the expenses of repairs and supply of furniture to the Mansion House, amounting, on a like average, to £382 5*s.* 10*d.* per annum, a sum which, like every other connected with that establishment, seems most extravagant.

Law Expenses.

8th. Law Expenses, amounting, on a like average, to £139 18*s.* 1*d.* per annum.

Charities.

9th. Charities amounting to £333 10*s.* 6*d.*, in which, however, is included the £200 constituting the mayor and sheriffs' charity. This sum being deducted, leaves the small sum of £133 10*s.* 6*d.* as the annual contribution of the corporation of Cork, out of a revenue of above £6000 a year, to the many extensive and most useful charities in the city.

Miscellaneous Expenses.

10th. Miscellaneous Expenses, amongst which are included a variety of petty expenses of annual recurrence, but not capable of being classed under any of the foregoing heads. Amongst them we find further expenses of the mayor's establishment in pipe water, gas light, and newspapers, of which one London, one Dublin, and two Cork papers are supplied to him at the expense of the corporation. These miscellaneous expenses amount, on an average, to £429 13*s.* 8*d.*

Contingent Expenses.

11th. Contingent Expenses. Under this head are classed such casual expenses as are not likely to recur. Much of the expenditure charged under this head is also for the support of the mayor's establishment. Thus, in every year from 1827 to 1832, we find a charge for plate for the Mansion House. In the year ending September 1828, we find a sum of 100 guineas paid to the late mayor in addition to his salary, and a sum of £30 to the then mayor for his expenses of going to Dublin, a sum of £64 18*s.* 10*d.* for small sums paid by the mayor, and a sum of £126 4*s.* 2*d.* paid to reimburse him the costs of an action brought against him in consequence of injury done to some property by a mob.

In the year ending September 1831, we find a sum of £191 4*s.* 1*d.* allowed to the mayor for the expenses of an entertainment given to Sir Edward Codrington, and in the same year a sum of £346 0*s.* 8*d.* allowed him for entertaining the Duke of Northumberland, £30 for his expenses in going to Dublin, 30 guineas to purchase a watch as a present to the mayor's

CITY OF CORK.

daughter, and £87 15*s.* 11*d.* for payment made on mayor's orders, which, on an inspection of the chamberlain's accounts, appear to be generally for petty expenses incurred in the Mansion House. In the same account we find £59 17*s.* 7*d.* allowed to a sheriff to reimburse him the costs of an action brought against him for some act done in the execution of his duty. In the year ending September 1832 we find £86 0*s.* 7*d.* allowed to a sheriff on a like account, £199 18*s.* 10*d.* allowed to the mayor to reimburse him for the costs and damages of an action brought against him by reason of property destroyed by a mob, £95 0*s.* 2*d.* as payments made on mayor's orders, and a sum of £6 12*s.* allowed to him for wax candles to illuminate the Mansion House on the King's birth-day.

These contingent expenses, on an average of the same five years, amount to £365 18*s.* 7*d.*

The 12th and last item of expenditure is the clothing of the mayor's serjeants, bailiffs, &c.; which, on a like average of five years, amounts to £69 19*s.* 2*d.*

The gross amount of this expenditure, taken on the above average, is £6153 13*s.* 1*d.*, which, deducted from the annual income, leaves a surplus of £83 16*s.* 11*d.* at the disposal of the corporation.

An abstract of the accounts made out under the above-mentioned several heads of income and expenditure for the last five years is hereto annexed.

Tolls.

113. The Tolls which the corporation of Cork collect are either what are called gateage tolls, or market tolls. The gateage toll is claimed as a toll traverse on certain goods entering the city or ancient suburbs. The description of goods and the amount of toll taken upon them are specified in a docket hereto annexed.

Gateage Toll.

114. This Toll is claimed only on goods coming into the city for sale or consumption, and not on goods passing through or coming in for exportation. Though black cattle and sheep are specified in the schedule as liable to a toll in passing through the city, it is not now claimed, and the toll upon cattle, though specified as a toll traverse, is in fact a market toll; payment of the toll at the gates freeing the cattle from all toll in the market, and if the cattle be not sold or slaughtered but driven out again, the toll is returned. Both Gateage Toll and Market Toll, however, are made payable on many other articles, as will appear by the schedule. From these tolls, both gateage and market, the goods of all freemen are exempt.

Amount of.

The Amount of the gateage toll collected in the year ending the 29th September 1831, being the first year in which the corporation collected the tolls themselves, was £3215 4*s.* 3¾*d.* The expenses of collection were £739 3*s.* 9½*d.*, leaving a net balance paid to the chamberlain of £2476 0*s.* 6¼*d.* In this year the amount of the tolls remitted as being taken on the goods of freemen, was £401 7*s.* 8*d.*

In the year ending the 29th September 1832, the gross amount of tolls collected was £2901 18*s.* 9*d.*, and the expense of collection was £730 4*s.* 3*d.*, leaving a balance of £2171 14*s.* 6*d.* The amount of the tolls remitted on account of the freeman's privilege was £364 15*s.* 5*d.*

In the year ending 29th September 1833, the amount of the tolls collected was £2698 12*s.* 6¾*d.*, the expense of collection £728 18*s.* 10*d.*, leaving a balance of £1969 13*s.* 8¾*d.* The amount remitted on account of the freemen's privilege was £340 18*s.* 5*d.*

Falling off in.

Thus it appears that this source of revenue is gradually falling off; and how precarious and unsatisfactory this property is, is manifest from the fact, that the expenses of collection amount to one-third of the net amount of revenue obtained, and that nearly one-fourth more than the corporation have the benefit of is levied off the public.

Market Tolls.

115. But if the gateage tolls are an objectionable tax on the public, the Market Tolls, more particularly those which are let by the corporation, are infinitely more so, as well from the nature of the tax itself as from the extortions committed by the lessees, and the constant breaches of the peace and riots which are produced in the collection.

Markets.

There are six enclosed markets in the city of Cork, the largest and principal of which is called "The Grand Parade Market." The tolls of this market have been collected by the corporation themselves for the last three or four years.

Clerk or Superintendent of the Market.

116. This is done by means of a Clerk or Superintendent of the Markets, who is appointed by the mayor. His duty is to collect the stallage rents, in all the city markets, and also the market tolls in the Grand Parade market. He has two beadles, three weighmasters, and two collectors under him. His salary is a guinea a week, and eight shillings a week are paid to each of the collectors and beadles.

Weighmasters.

The Weighmasters are appointed by the mayor, and are paid no salary, but are furnished with beams and scales by the corporation, and are remunerated by the butchers who pay them for weighing by agreement.

Schedule of Market Tolls.

117. A Schedule of Tolls is posted up in the Market, of which a copy is hereto annexed, by which it appears that nothing coming to the market is exempt from toll, and that several articles pay both toll and stallage.

Their Produce in the Grand Parade Market.

The Produce of the tolls of this Market in the year ending 29th September 1831, was £1354 0*s.* 5½*d.*, after deducting the expenses of collection, and in the year ending 29th September 1832, £1314 10*s.* 10½*d.* In those two years, the corporation collected the tolls themselves. In the three previous years, during which the tolls had been let, the greatest sum which they produced to the corporation was £833 5*s.* 2*d.*; but the difference may, in some degree, be accounted for by a great increase of accommodation in the market.

Tolls of Out-Markets.

118. The Tolls of what are called the Out-Markets have been always let, and one person held them for four years previous to September 1833, at different rents. In 1830, he paid £1461; in 1831, £1100; in 1832, £1133; and, in 1833, £1111. Previously to that time they had

been let still higher; in the year 1829, so high as £1500. In the collection of these tolls it is, that the greatest extortion, violence, and oppression prevail. The lessee paying a very high rent, and being obliged to collect it in in small sums, is no way scrupulous in the demands he makes, and the poverty and ignorance of the persons who pay the toll make resistance impracticable or unavailing.

Levy of the Petty Market Toll through the City.

119. In the principal of those out-markets, which is held on the coal quay, no accommodation is given to the public. The articles are all sold in the open street without covering or convenience of any kind, and in all the others the accommodation is very limited and insufficient. But the demands of the collector are not confined to those places which are called markets; they extend over the whole town, except the North and South Main Streets; and if persons, however poor, are met in any part of the city carrying a basket in which a few articles are exposed for sale, or if they set the basket down for a moment upon the pavement, the collector immediately makes and enforces his demand of one penny. The toll is collected every day in the week, not excepting Sundays. How the North and South Main Streets became privileged by this exemption, is now not very well known. The old schedule or docket of tolls, settled a great many years ago, in addition to the specification of the amount of toll to be taken for stallage and standing in the market, adds an item of one penny a day to be taken on standings outside the north gate and south gate. This the corporation, or their lessees, have interpreted as giving them a right to take one penny for toll on standings, wheresoever they may be, within or without the ambit of the old city walls, except in the streets lying immediately within the two gates, and leading from the one to the other, which are called the North and South Main Streets.

It would extend this Report to a great length, if we were to go through the numerous instances of extortion in the collection of tolls which came under our notice. It may be sufficient to say that here, as in every town we visited in which tolls are collected, they are the constant cause of violence, riot, and even of bloodshed.

Corn Market, Origin of, and Revenue of Corporation derived therefrom.

120. Amongst the several sources of the Corporation Revenue, a sum of £400 has been mentioned as being the average of their one-sixth of the gross receipts of the tolls in the Corn Market. To this they became entitled under a local Act of Parliament, 3 Geo. IV. c. 79, which provides that the mayor, sheriffs, and common speaker, of the city of Cork for the time being, together with six members of the common council, to be chosen by the common council, and six merchants trading in the city, to be elected by the freemen, together with nine landholders, to be presented by the grand jury of the county of Cork, and nine merchants trading in the city, to be presented by the grand jury of the county of the city of Cork, and their successors, to be elected in manner aforesaid, should be trustees for the purpose of establishing and regulating the corn market, and markets for the sale of hay, straw, green food for cattle, and dead pigs, within the city and suburbs. The Act provides for the mode of election of the trustees, and gives them power to build markets in proper places, with necessary conveniences, and enacts, that the markets, when erected, shall be the only markets for the sale of the above articles in the city, and prohibits, under a penalty, persons buying or selling such articles elsewhere out of their own houses.

Rates taken in Market, and Duty of Trustees.

121. The Act authorizes the trustees to take, from all persons selling corn within the city or suburbs, certain Rates specified in the Act, viz.:

For every 20 stone of wheat - - - - - -	3*d.* Irish,
For every 16 stone of barley - - - - -	1½*d.* Irish,
For every 14 stone of oats - - - - -	1*d.* Irish,
and so in proportion for a lesser quantity.	
For every ton of hay, straw, or green food, for cattle -	1*s.* British,
And for every dead pig - - - - - -	2*d.* Irish;

and enacts, that the trustees shall erect and support weighing places within the markets, and appoint clerks to attend the same, and shall weigh all corn, hay, straw and pigs, if required.

Application of Rates.

122. The Act then provides for the Application of the Rates, viz.: that one-sixth part of the gross produce thereof should be handed over and paid to the corporation by the trustees, and out of the other five-sixths that the trustees should pay the purchase moneys of the houses, lands, and tenements, purchased for the purpose of establishing the markets, and the charges and expenses of carrying the act into execution, and pay over the residue, if any, to the commissioners of Wide Streets, in the city of Cork, to be applied by them in aid of their funds for making wide and convenient streets within the city.

Money borrowed.

123. Under this Act trustees were appointed, and a market built, which with a bridge leading to it cost £17,460. Of this sum the government advanced £4615 British, towards building the bridge, and the commissioners of the Parliamentary Loan lent £10,000. Two individuals, who were the owners of the site of the market, besides giving the ground rent-free, contributed £2500 towards the building, the establishment of the market in that place, and the building of the bridge, being a great improvement to the residue of their property.

The sum of £10,000 was borrowed in 1828, and secured by a mortgage of the five-sixths of the tolls belonging to the trustees. The terms upon which it was originally obtained were, that 5 per cent. interest should be paid on the principal, and 5 per cent. of the principal should be paid off annually. The trustees, after payment of two instalments, applied for a reduction of both the interest and instalments, which were reduced to 4 per cent. Even at this rate they found themselves unable to pay, and applied for a further reduction, which has not been granted. Three years' interest and instalments now remain due.

Produce of Rates.

The average Amount of the gross receipts of the Tolls for the last three years was £2700, and of the last ten, £2317.

CITY OF CORK.

Complaints of Want of Accommodation.

124. The market is very commodious, and 6500 barrels of corn have been sold there in one day. Complaints, however, are made that the Accommodation for weighing is not sufficient, and that the sellers of corn, for the sake of despatch, are obliged to consent to have the quantity assessed; for which purpose an officer is appointed by the trustees, who estimates the quantity upon which toll is to be paid by bulk, instead of weighing. The trustees, on the other hand, say that the sellers adopt this plan, of determining the quantity, from choice, for the purpose of greater expedition. In practice, only about one-half of the corn which comes to the market is weighed, and the market which opens at 9 in the morning is generally over by 12. The trustees provide accommodation only for weighing such quantity as they calculate will be required to be weighed. If all the corn were weighed it would require much more accommodation to enable the business to be done in reasonable time.

Expense of.

125. The annual Expense of the market, including officers' salaries and payment of labourers, is about £1200 a year.

Utility of.

126. A diversity of opinion exists as to the Utility of this market, and whether the objects in procuring the Act of Parliament have been attained. It is, however, admitted that the fraud and imposition upon the country people bringing corn to the market are much less than formerly. The expense of procuring the Act amounted to £669.

Selling out of Market.

127. The practice of selling out of the Market, and thereby evading the payment of the market toll, has latterly much increased, and the trustees have in consequence employed persons to discover and prosecute cases of this description; some discontent prevails as to the characters of the persons so employed, and in consequence of their prosecutions being brought before the aldermen of the ward, two of whom are members of the board of trustees.

A return is annexed of the receipts and expenditure for the three years ending August 1833.

Harbour Commissioners, how established, and their Powers.

128. The Port and Harbour of Cork is improved and kept in proper order by Commissioners appointed under a local Act of Parliament, 1 Geo. IV. c. 52, which enacts that the two Members of Parliament for the city of Cork, the mayor and sheriffs for the time being, five persons elected by the common council of the city, and twenty-five persons elected by the freemen in the Court of D'Oyer Hundred, shall be commissioners for carrying into execution the purposes of the Act, and enables them for this purpose to levy certain rates and duties upon all ships and vessels entering the port or harbour, viz.:

To impose Tonnage Dues.

For every ton of the admeasurement of any vessel reporting at the Custom House of Cork, except colliers and coasters, a sum not exceeding 3*d.* British.

For every ton of every collier so reporting for every voyage made to and from the port, a sum not exceeding 2*d.* British.

For every ton of every vessel so reporting, arriving from any port in Ireland, for each and every voyage made to and from the said port, a sum not exceeding 1*d.* British.

Ballast.

The Act further gives to the commissioners the exclusive right of furnishing Ballast to all ships and vessels requiring it within the port, and to charge for the same certain rates, viz.:

For every ton of ballast, not being limestone, delivered to any vessel, a sum not exceeding 1*s.* British;

And for every ton of marketable limestone ballast, a sum not exceeding 2*s.* British.

For every ton of ballast discharged from a vessel, if by a lighter, 8*d.* British, and if at a wharf or quay, 4*d.* British.

Further Powers.

The Act further enables the commissioners to appoint officers, and to make rules, bye-laws, and regulations, for cleansing, deepening, and otherwise improving the port, harbour, and river of Cork, and for stationing, loading, and unloading vessels, and for keeping the public weirs, wharfs, and quays in order, and to appoint and license pilots, and to erect a ballast office, quays, and wharfs, and such other buildings as may be necessary.

Agreement with Corporation for Dues.

129. This Act provided that the commissioners should have power to make an Agreement with the Corporation of Cork for the abolishing of certain Dues to which they were entitled on the importation of goods into the port of Cork, and that it should be lawful for the corporation to convey the dues by indenture to the commissioners, and that thereupon and thenceforth such dues should cease and be no longer paid; and that, in lieu of such dues, the commissioners should pay yearly out of their rates such sum to the corporation as should be mutually agreed upon between them, not exceeding £400; and that after the abolition of said dues it should be lawful for the commissioners, from time to time, to settle and impose such rates and duties to be paid upon the importing or exporting to and from the said port of Cork, any goods, wares, or merchandises, coals excepted, as they should think fit, so as such rates or duties should not exceed the sum of 3*d.* on every 2*s.* of the freight, and that such rate should be paid to the commissioners.

Further Application of Funds.

The Act then directs that the commissioners, after payment of the purchase money of such ground or premises as they might think necessary for erecting ballast offices, quays, &c. and the expenses of erecting same, and of supplying ballast, with the salaries of officers and clerks, should apply the residue of the rates and duties in the improvement of the river and harbour of Cork.

Deed between Corporation and Commissioners.

130. The Commissioners appointed under this Act took a conveyance of the harbour dues from the Corporation, and in lieu thereof agreed to pay them the sum of £400 annually. A schedule of the dues payable to the corporation was attached to the Deed, and a copy thereof is hereto annexed.

Duties on Vessels settled.

Those dues being thereby abolished, the commissioners agreed upon certain Duties to

be taken in lieu thereof upon all goods, wares, and merchandises, imported, or exported, to or from the port, as authorized by the Act. A schedule of these duties is also hereto annexed.

Receipts of Board.

131. The amount of the Receipts of the commissioners for the year ending the 4th of August 1830, was £7872 9*s.* 3*d.*, and their expenditure in the same year was £8388. In the year 1831 the receipts were £8172 8*s.* 2*d.*, and the expenditure £8015 4*s.* 3*d.* For the year 1832, the receipts were £6855 3*s.* 4*d.*, and the expenditure £7236 11*s.* 2½*d.* Copies of the accounts of the receipts and expenditure for those three years are hereto annexed.

Loss of Weighhouse Dues.

132. In the year 1829, the commissioners were deprived of a considerable source of revenue by the passing of the Act of Parliament for the regulation of the butter trade. Previously to that time, as already mentioned under the 40 Geo. III. c. 100, regulating the butter trade of Cork, all sellers of butter were obliged to weigh their butter at the public Weighhouse, paying certain Fees to the weighmasters, and by the 53 Geo. III. c. 70, it was provided that three weighmasters, to be appointed by the council, should receive the fees payable for weighing butters under the 40 Geo. III. and pay them over to the chamberlain, who, retaining £30 for himself, was directed to apply one-third of the residue to the providing and maintaining of a butter weighhouse, and to pay one other third to the Commissioners of Wide Streets, and the remaining third to the Harbour Commissioners. The Act of the 10 Geo. IV. c. 41, for the regulation of the butter trade in Ireland, having removed all such restrictions on the butter trade as generally affected the whole kingdom, but some restrictions on butter weighed at the butter weighhouse of Cork, imposed by the local Act of the 53 Geo. III. c. 70, being still continued, the public ceased to bring their butter to be weighed at this weighhouse, and the emoluments of it were thereby extinguished, and the harbour commissioners were thereby deprived of a source of income which amounted on an average to about £800 a year.

Salaries of Officers.

133. The Salaries of the different Officers of the board amount to £584 3*s.* 7*d.* per annum. Amongst them there is a secretary at £70 a year, and an office clerk at £138 9*s.* 2*d.*, one of whom might, as it appeared to us, be very well dispensed with, the duties of the secretary being confined to an attendance once a week on the board to take minutes of their proceedings, to issuing summonses for their meetings, and publishing specifications for contracts, duties which might be easily performed by the clerk in addition to his own, which are to collect the rates payable for ballast, and to keep the accounts.

The rates upon import and export goods are collected by officers in the custom house, who receive 4 per cent. on the amount of their collection. This per centage is not included in the amount of the receipts before mentioned, which is the net amount.

There is a treasurer who receives a salary of £138 per annum, and a harbour master with a salary of the same amount.

Conduct and Character of this Board.

134. Though some discontent exists amongst the merchants at the monopoly of the seats at the Board, and consequently of the offices under it, given by the Act to the corporation, a cause of complaint for which not only, as to this board, but all others established within the city for the administration of local affairs, there seems much foundation, yet all admit that very great improvements in the port and harbour have been effected by the commissioners. The enclosure of the river by quays, is nearly complete, and the commissioners have been able to reduce the tonnage duties considerably from the amount, which they are authorized by the Act to levy.

Wide Street Commissioners, their Origin and Powers.

135. The Streets are made and repaired under the directions of Commissioners originally appointed by the Act 5 Geo. III. c. 24, which enacted that the mayor, recorder, aldermen, and 16 persons named in the Act, and their successors, to be elected as therein mentioned, should be commissioners for making and repairing the streets of Cork, and should have the same powers as the Wide Street Commissioners in Dublin.

These powers were afterwards extended by the 17, 18 Geo. III. c. 38, and the commissioners in the year 1817, after they had acquired the income arising from the one-third of the weighhouse dues under the local Act of the 53 Geo. III. c. 70, procured maps to be made of the part of the city most requiring improvement, but, from the inadequacy of the funds then at their disposal, were unable to accomplish much.

At that time, and up to the year 1822, the streets were paved and repaired by grand jury presentments, and were lighted under an Act of Parliament, which provided that the common council might contract for the lighting of the city, and authorized the contractor to applot and levy the sum contracted for from the inhabitants.

In the year 1822, the local Act of 3 Geo. IV. c. 85, was obtained, which very much extended the powers of the commissioners, vesting in them full power and authority to order and direct the streets, &c. to be paved, repaired, or altered, and also to light, or cause them to be lighted with gas or oil, as they should think fit; and for this purpose enacted, that the treasurer of the county of the city of Cork should after each assizes add to the sum presented to be raised on the city and suburbs, such sum as the commissioners should direct, not exceeding £1750 for the expenses of lighting; and to the sum to be raised upon the city suburbs, and the rest of the county of the city, such sum for making and repairing the streets, &c. as the commissioners should order and direct to be raised, not exceeding 1¾*d.* Irish, for every square yard of the streets, &c.; and for the purpose of ascertaining the amount of the sum they were entitled to have levied for this purpose, the commissioners were directed, at the next assizes after the passing of the Act, to make a return to the grand jury of the county of the city, on the oath of some competent person, of the number of square yards comprised in the several streets, &c. within the city.

CITY OF CORK. Mode of levying Funds.

136. Under this Act the commissioners require the treasurer for the county of the city to levy £1600 at each assizes on the city and suburbs for lighting the city, and £2800 on the county of the city for paving and repairing the streets; so that £3200 is now the annual expenditure in the lighting, and £5600 in the paving, repairing, widening, and cleansing the streets each year.

A return was made, pursuant to the Act of Parliament, of the number of square yards in the streets, &c. &c. at the assizes next after the passing of it, which has not been varied since, and the sum which they have levied is from £1500 to £2000 a year less than they are by the Act entitled to levy according to the measurement specified in this return.

Officers.

137. The Officers of the board are, a secretary, who has a salary of £57 10*s.* per annum, an office clerk, who has £96 6*s.* 2*d.* and a general superintendent, who has £90 per annum. There is no treasurer, the money being lodged in the provincial bank, and paid upon draughts signed by five commissioners.

Here, as in the case of the Harbour Commissioners, the necessity of both a secretary and an office clerk is not very apparent. The duties of the secretary are to attend the board weekly, and take down the orders, which might as well be done by the office clerk, whose duty is to keep the accounts, and pay the workmen.

Superintendent of Works.

The Superintendent's duty is to examine the streets, and make reports to the board at its meetings, of the Work which he thinks necessary to be done; and if the board make an order for the work, it is executed by the superintendent and the workmen under him. Sometimes contracts are made for the keeping an entire road or street in repair.

Loans.

138. The Act having enabled the commissioners to borrow money not exceeding in the whole the sum of £50,000 upon the credit of the duties payable to them under that or any former Act, they borrowed from the Commissioners of the Government Loan two several sums of £7000 and £5000 on a mortgage of their one-third of the weighhouse dues, and of the lands to be purchased by them with the money borrowed, repayable by instalments, with interest, on the first of these sums at 6 per cent., and on the second at 5 per cent. Government afterwards reduced the interest and instalments on both to 4 per cent., and all interest and instalments up to 1827 were duly paid.

In the year 1827, the commissioners borrowed another sum of £7000 from the commissioners of the public loan, on a further mortgage of the weigh-house dues, and on the same terms as the former. Upon this sum they paid one year's interest, but in 1829, the Bill having passed which removed the restrictions on the weighing of butter, and thus deprived them altogether of this source of revenue, they stopped the payment of both the interest and the instalments on the entire loan, and entered into a negotiation with the Government for compensation for the dues of which they were thus deprived. This negotiation was commenced with the last Government, and has been renewed with the present, but is not yet brought to any satisfactory conclusion.

The commissioners, besides the sums borrowed from Government, owe a debt by debentures to private individuals of £26,476 18*s.* 5*d.*, and the interest upon this sum, amounting to £1300 11*s.* 4*d.* annually is the first charge on the rates. The residue of the sum at their disposal is expended in the salaries of officers, and the expenses of paving and lighting, for which latter they have a contract with a gas company in London.

Complaint as to Lighting.

139. Some Complaints are made that the contractors do not properly perform their contract, and that there is a disinclination on the part of the Commissioners of Wide Streets to oblige them to do so, which is attributed to the agent of the gas company being himself one of the commissioners and also one of the aldermen of the ward, and thus a judge of the court in which complaints of deficiencies in lighting would be heard, and to his brother being, as clerk to the board of commissioners, the officer to whom complaints against the gas company should, in the first instance, be made. Whether there be foundation for these complaints, we are not competent to say; but certainly the connexion of one of the commissioners with the company gives colour to them.

Power of licensing Coaches, Cars, Chairs, &c.

140. The commissioners have Power under the same Act of licensing Sedan Chairs, Coaches, and Cars, plying for hire within the city, and have made a code of bye-laws for the regulation of them, and appointed a table of rates. The fees for licences, and penalties for offences, after deducting expenses, are payable under the Act to the governors of the Foundling Hospital. The amount of the sums received for licences is trifling, and of the application of such penalties as have been levied, we have given an account in speaking of the police court.

Pipe Water Company.

141. The city is supplied with water by a company originally established under the 1 Geo. III. c. 19, amended by the 5 Geo. III. c. 34. The former of those Acts authorized the common council, and such freemen as should be elected in the Court of D'Oyer Hundred, to make a reservoir of water, and to conduct it in channels through the city, giving them the necessary powers for that purpose. The latter Act transferred the powers from the common council and freemen, to a committee constituted of the mayor, sheriffs, common speaker, and fifteen freemen, to be elected in the Court of D'Oyer Hundred, and vested the property in the works, &c. &c. in the corporation at large. It then, for the purpose of raising funds, provided that the corporation might grant shares in the undertaking to any freeman, he covenanting to pay a part of the expense. The Act was further amended by the 17, 18 Geo. III. c. 38, and afterwards by the 26 Geo. III. c. 28, but in none of the Acts is there any provision regulating the charges to be made for water to the public, which is therefore left entirely to private agreement.

Funds and Management of.

142. Under those Acts a stock was established in 100 shares, of which 75 were granted to individuals, and 25 were taken by the corporation. A sum of £102 12*s.* was paid by different payments upon each share; and from the year 1778 to the year 1820, little was

received by the shareholders in the way of dividends. Since 1820 the concern has been more prosperous, and the shareholders have received a dividend of somewhat less than 5 per cent. The Management is nominally in a committee appointed by the Court of D'Oyer Hundred, who are elected for life, but virtually with the person who holds the office of secretary and treasurer, who is one of the aldermen of the ward, and who has a principal interest in the affairs of the company, members of his family being holders of 22 shares.

No bye-laws or regulations have ever been enacted for the management of the concern. The rate of charge has been two guineas for each dwelling-house taking the water, of whatever size. Hotels, breweries, distilleries, and manufactories, pay larger sums, which are regulated by agreement. The gross amount of the receipts for the last year was £1577 5*s.* 8*d.*, and for the year before nearly the same. The secretary and treasurer has 5 per cent. on the gross income for management. The other expenses of the establishment consist of the salaries of officers, rent of premises, and expenses of workmen, which are as follows, viz.:

Salaries—

The engineer	£150 a year
The collector	50
Clerk	42
Rent of premises	196
Expense of workmen	204

making, together with the secretary's per centage, an expenditure of £722 per annum.

Fountains for the Public.

143. There is but one Public Fountain in the city, which was established at the expense of the Pipe Water Company, but they, having found that by the establishment of it the income derived from the streets in the immediate neighbourhood was very much diminished, have declined erecting any more.

A power is given to the Wide Street Commissioners under their Act to erect fountains for the use of the public, and some negotiations have taken place between them and the Pipe Water Committee as to the supply of water to fountains, in case they were erected. The Wide Street Commissioners were willing to erect the fountains, and to pay the company for the supply of water, according to the rates at which it is supplied to individuals, but the company would not supply the fountains unless compensated for the consequent diminution of the rates in the neighbourhood.

Proposal for affording a more general Supply of Water.

144. The want of some such Supply of Water for the poor is severely felt, and complaints having been made, the committee of management of the Pipe Water were directed by the Court of D'Oyer Hundred to inquire into the subject. The committee recently made a report suggesting a plan by which the public might be more effectually supplied without a sacrifice of the interests of the shareholders. This they proposed to do by a moderate scale of taxation on all houses, except such as by reason of their small value it might be right to exempt altogether. What the particular scale of taxation should be to effect the object, the committee did not think itself competent to say, but they stated it as their opinion, that by a well-digested arrangement, a public supply of water could be insured for all classes of persons, and for all public purposes within the city, by the imposition of rates much under those paid in other cities. The citizens, however, appear to be of opinion that the principle of compensation to the shareholders of the present Pipe Water establishment, suggested by the report of the committee, was unreasonable, as it required that they should be secured not only in their original capital advanced, and 5 per cent. interest thereon for the future, but that they should have so much of the interest on their stock from the time of its advance as had not been received by them in dividends, consolidated with the stock; and such consolidated sum, with interest thereon at 5 per cent., secured to them. With this proposition the citizens are not disposed to agree, as they would be thus paying for what may have been former mismanagement, but they appear willing to enter into an arrangement on the basis of securing the capital originally advanced, and 5 per cent. interest for the time to come. We cannot see that the shareholders in the Pipe Water establishment could lose by an arrangement for supplying the citizens generally with water, having these conditions as the consideration for transferring their works, for we do not think it at all probable that the profits of the present establishment can increase, as they have no power to compel any person to take the water, or contribute to their funds. That some change in this department is required is obvious from the fact, that the rate of payment for dwelling-houses, of whatever size or value, is uniform, so that the poor tradesman pays as much as the richest merchant, which circumstance may, we think, account in some measure for the falling off in the rates produced by the establishment of the public fountain.

Commercial Buildings Company.

145. There is also a company in the city called "The Commercial Buildings Company," which is incorporated by Royal Charter of the 48 Geo. III. and by Act of Parliament of 54 Geo. III. c. 146. The funds of the company are derived from shares originally subscribed by the proprietors, from subscriptions to public rooms which they possess, and from certain dues on entries of goods inwards and outwards, to a moiety of which they are entitled under the Act of Parliament; the harbour commissioners being entitled to the other moiety. Their proportion of these dues amounts to about £105 per annum on the average.

These funds are expended in the keeping up the buildings where the public rooms are, and in which the exchange is held, with a coffee and newsroom attached for the use of the merchants. All residents of Cork are admissible to the rooms on paying two guineas per annum; the surplus revenue over expenses is divided amongst the original shareholders, and amounts to about £3 per cent. per annum on the original capital.

Charitable Foundations.

146. Of Charitable Foundations in the city of Cork, the principal is that which was ori-

CITY OF CORK.

ginally called the workhouse, and is now generally known by the name of the Foundling Hospital.

Foundling Hospital, its original Institution and Objects.

This institution was founded by an Act of Parliament passed in the year 1735, the 9 Geo. II. c. 25, which enacted that the Bishop of Cork, the mayor, recorder, aldermen, sheriffs, common councilmen, and common speaker of the city, with 26 of the resident freemen, paying 20*s.* minister's money per annum, to be elected in the Court of D'Oyer Hundred, should be a corporation under the title of "The Governors of the Workhouse of the City of Cork," and authorized them to levy a duty of one shilling a ton on all coal and culm discharged within the city of Cork and the county of the city, for a term of 31 years. It further provided, that the beadles and constables within the city should have power to apprehend all sturdy beggars or idle vagabonds, begging or strolling within the city or liberties, and gave power to one of the governors, being a member of the court of assistants, which is a select body of 15 of the governors, to commit such persons to the workhouse to be confined and kept to hard labour; and by a subsequent clause, reciting that the exposed or foundling children were numerous, directed that as soon as the workhouse should be built, the governors should receive from the churchwardens of the parishes within the city and liberties of Cork, all the exposed or foundling children that should then be in the city and liberties, and every child that should thereafter be exposed and found in the streets of the said city and liberties, and should have such children clothed, maintained, and educated within the establishment. Pursuant to the provisions of this Act, a workhouse was built, and was opened on the 12th March 1747. Children were received into it, and from that time to the present it has been used exclusively as a foundling hospital.

The Act of the 9 Geo. II. was continued by the 3 Geo. III. c. 17, for 31 years from May 1767, and by the 34 Geo. III. c. 23, was made perpetual.

Children not Foundlings received.

147. Though the Act of Parliament authorizes the receiving into the hospital "exposed" or "foundling" Children only, yet, in this respect, its provisions seem to have been early departed from, and children of every class, whether of unknown parents or otherwise, were admittted into the institution at the discretion of the governors. This practice was formerly sanctioned in a code of bye-laws for the government of the institution, enacted on the 8th February 1811, amongst which are the following, viz:—

Bye-laws.

1st. Any child, not above the age of twelve months, found exposed in any parish of the city and liberties, and carried to the hospital with the certificate of the churchwardens, will be received.

2d. Any child above twelve months old, and not exceeding three years, being left exposed in any parish of the city or liberties, and being brought to the hospital with a certificate of the churchwardens to that effect, may be received by the next general board or court of assistants at their discretion.

3d. A general board or court of assistants shall have power to admit, as they shall see fit, any child, not exceeding five years of age, of a soldier embarked, or under orders for immediate embarkation for any foreign service, a certificate of the churchwardens being previously produced.

4th. But as cases may occur in which it may be thought necessary to afford an asylum to other children than those above specified, it is ordered, that any child above the age of three years, and not exceeding eight, may be admitted by a general board, provided the application for admission be first made to a court of assistants, who shall, after having examined into the particular circumstances of the case, recommend such child for admission, stating their reasons for such recommendation, and always taking care that they have reasonable grounds to think that the child has not contracted any vicious habits which may contaminate the other children in the institution.

Admission of Children. New Regulations.

148. It appears by the books of the institution that up to the 30th of January 1830, this practice was continued, and that Children were received into the institution from their parents and friends, and without restriction as to age or their being the children of soldiers. In this year, however, a committee was appointed to revise the bye-laws, who reported that some of them were not in accordance with the Acts of Parliament, and framed a new code which they recommended should be adopted, so as to supersede all former bye-laws, and by these the admission of children is confined strictly to foundlings. This code, although it never received the sanction of a general board, so as to make the laws legally valid and binding, (for what reason, except negligence on the part of the governors, we were unable to discover,) has, in respect to the admission of children, been acted upon, and since that time none but children certified by the churchwardens of the respective parishes to have been found exposed and deserted have been admitted. It is but justice to say, that since the appointment of the present superintendent and chaplain, the institution seems to have been much better managed than formerly.

Income.

149. The Income which the governors of this institution have at their disposal, which varies between £6000 and £7000 a year, appears to be quite extravagant for the purposes to which it is applied, and we cannot but think that the expenditure of so large a sum in this way must be injurious to the morals of the people. Considerable dissatisfaction prevails that a tax levied on one of the necessaries of life, and which was imposed for mixed purposes, the suppressing of mendicity as well as the maintenance of foundlings, should be now appropriated to one object, and that, as it will appear, sectarian.

Present Regulations.

150. Under the present Regulations the children are received from the churchwardens at Easter, the parish being at the expense of supporting them from the time they are exposed till that period. They are then placed out at nurse until they are six or seven years of age, there

being no nursery for the infant children within the establishment. When taken from the nurse, the children are received into the hospital, where they are maintained until they are sixteen or seventeen years of age, and are then apprenticed out either to tradesmen or as servants.

All the children are brought up as Protestants, and, under the provisions of the Act of Parliament, must be so. They are also always apprenticed to Protestant masters who receive a fee of £3 at the end of the first year of the term; and, if the children conduct themselves properly, they receive at the end of their apprenticeship three guineas each as a premium. There are now 1319 Children at nurse, and 446 within the hospital. It was stated to us that the male children brought up in this Institution generally became useful members of society, but the females not unfrequently the reverse. Numberof Children in Institution.

151. There are 25 Officers and Servants, male and female, in the institution, whose salaries and wages amount to £637 4*s.* 4*d.* per annum, besides the treasurer, who collects the revenue derived from the Coal Tax, through the means of an officer in the custom house, with whom he divides his emoluments, which are 2 per cent. on the income. The tax is collected throughout the entire port and harbour, even at Ballinacurra, more than 12 miles from the city of Cork. The right to levy the tax at this place is the subject of a suit with the hospital, as yet undecided. A sum of £619 0*s.* 6*d.* has been already paid to the law agent of the hospital on account of costs in the cause. Officers. Coal Tax.

152. Another charitable institution under the direction of the corporation is an almshouse, called Skiddy's Almshouse. This institution was founded by a person of the name of Stephen Skiddy, who, by his will, bearing date the 23d of March 1584, bequeathed an annuity of £24 to the mayor and aldermen of Cork to be by them distributed amongst ten of the poorest honest citizens within the city. In the year 1702 the corporation of Cork granted certain premises in fee farm, for the purpose of rebuilding the almshouses, which had fallen into decay, and of supporting in them as many old men and women as the funds would extend to. Skiddy's Almshouse.

153. Previously to this there had been another charitable institution erected under the will of Roger Bertridge, who, in the year 1687, devised the lands of Drumcomar to the corporation of Cork for ever, in trust, to pay 10*s.* 6*d.* a week amongst seven old men who had been soldiers, and who were not able to work, and £1 to each, once a-year, to buy clothes, and with the residue of the rents to apprentice out the sons of soldiers, if they could be had, and if not, those of other Protestants, such children to be selected by the mayor and recorder, and the incumbent of the parish of St. Mary Shandon. Bertridge's Charity.

The corporation in the year 1718 let the old almshouse, and took a piece of ground from the governors of another institution called the Green Coat Hospital, and erected new houses, in which the objects of the two charities have been since supported. The annual income of Skiddy's charity, arising from Skiddy's bequest and the rents of the premises granted by the corporation, amounts now to £249 19*s.* per annum. This sum is expended in the support of 41 widows and five old men, who are provided with apartments in the almshouse.

The lands of Drumcomar, devised by Bertridge, were let some years ago by public auction at a rent of £258 British per annum. This sum is expended in the support of seven old Protestant soldiers, who have apartments in the building, and who receive the 10*s.* 6*d.* per week, and the £1 per annum each, as directed by Bertridge; and the residue is expended in apprenticing out children. The number of children apprenticed, from the 9th August 1717 to the 29th September 1818, during which time the funds were under the management of the governors of the Green Coat Hospital, was 339 boys and 136 girls. From the 9th of September 1818 to the present time, when the management has been in Dr. Quarry, the rector of St. Mary Shandon, the number has been 148 boys and 59 girls. All are bound, pursuant to the directions of the will, to Protestant masters.

154. Another charity under the direction of the corporation is the Blue Coat Hospital. Blue Coat Hospital.

In the year 1699, the Honourable William Worth, by deed, granted to the mayor and constables of the staple of Cork, a house, garden, and tenements, in the south liberties, called the Spital Lands, and the Lands of East and West Ballymote and Cahirgal, in the north liberties, in fee farm, reserving a rent of £20, in trust, to erect a house on the Spital Lands, for the reception of as many poor boys of the Protestant religion as the mayor and common council of Cork should nominate; there to be maintained, educated, and provided each with a blue coat and cap on Saint Stephen's Day, and with other fit clothing. By this deed the mayor and constables of the staple were empowered, with the consent of the mayor and common council, to make leases of the South Spital lands for 21 years in possession, reserving the old rent at least, and taking a fine of one half-year's rent, and of the lands of Ballymote and Cahirgal, for a like term, reserving the best improved rent that could be obtained for the same. Origin and Property

In 1705, the same William Worth executed another deed, bearing date the 1st of March in that year, whereby he took upon him to license the mayor and constables of the staple with like consent as before, to make leases of any part of the lands for 21 years, reserving the old rent at the least; and seven years before or at the expiration of such lease to make further leases of said premises, or any part thereof, for 21 years, at the best improved rents that could be had.

The mayor and constables of the staple, having entered into possession of these lands, made leases, pursuant to the power; and some years afterwards, the grantor, William Worth, was induced to execute a deed, bearing date the 12th December 1707, whereby, after reciting the last-mentioned deeds, and that the lands were then set for the highest rent that could be had for the same, he purported to authorize the mayor and constables of the staple, with like

CITY OF CORK.

consent as aforesaid, to convert the then existing leases into grants in fee farm, reserving the same rents. Under the authority conferred by this deed, the entire lands were covered by fee farm grants, at rents amounting in the whole to £422 11*s.* 9*d.* Irish. If the lands were now to be let, they would produce many thousands per annum. That the deeds which Mr. Worth took upon himself to execute, after he had departed with all his interest in the lands, could not give authority to the trustees to make leases for a longer term than the powers in the original deed enabled them, appears quite plain; but whether titles, acquired under such powers, could now, after such a lapse of time, be successfully disputed, may admit of doubt.

Income.

155. The Income derived from the land, and from the interest of a sum of £500, which the trustees have been enabled to save, is expended in the clothing, maintenance, and education of 22 boys, and in assisting to support four students in Trinity College, Dublin, the fee farm rent of £20, reserved out of the lands, having been directed by the deed granting the lands to be so applied.

The children admitted into the institution are all the sons of respectable reduced citizens of Cork, and are all Protestants.

Moses Deane's Charity.

156. A person of the name of Moses Deane, by will, bearing date the 3d of October 1726, devised the rents of certain premises, which he held for a term of years, to the mayor, sheriffs, common speaker, and the members of the common council, together with the rectors of the parishes of Saint Peter, Saint Nicholas, Saint Mary Shandon, and Christ Church, in trust, to permit the rents to accumulate; and when they amounted to a sum of £1200, that such sum should be laid out in lands in the county of Cork, and the rents thereof should be applied in the schooling and clothing of 20 boys and 20 maids, whose parents were of Saint Peter's Parish, who were not able to support them. A like direction was given as to each of the other parishes above mentioned, successively, as the rents should accumulate to the sum of £1200.

Some disputes arose with the executors of the testator, and much of the rent was misapplied. Two sums, however, of £1200 were paid for the use of the parishes of Saint Peter and Saint Nicholas, and £800 out of the £1200 for Saint Mary Shandon. The lease of the premises then expired, and nothing more was paid out of them. The sums which were paid have been partly applied in establishing schools in the respective parishes. The £1200 belonging to the parish of Saint Nicholas has accumulated to £5,000; and the £800 of Saint Mary Shandon has, by subscription and a legacy, been increased to £1,900.

Thomas Deane's Charity.

157. Another person of the name of Thomas Deane, by his will, bearing date 1st of October 1734, devised to the mayor, sheriffs, and common council, a school house, which he erected in Saint Peter's parish, and an annuity of £100, being part of a fee farm rent, arising out of lands in the county of Limerick, for the purpose of supporting a school for the education of poor children, and for the clothing and maintaining of six old men and two old women.

A school was established on the premises; and the annuity of £100 was paid for a considerable time in support of it. For the last 20 years, however, it has been withheld altogether by the owners of the lands out of which it was payable, and the school has been supported by voluntary subscriptions.

Proceedings have been lately instituted by the Trustees of Charitable Donations and Bequests, to enforce payment of this rent.

Green Coat Hospital.

158. The Green Coat Hospital was established by an Act of Parliament, passed in the 4 Geo. I. c. 14. The 10th section of that statute, after reciting that several well disposed persons, with the consent of the minister and churchwardens of the parish of Saint Mary Shandon, had erected two schools, called the Green Coat Hospital, of said parish, in which 100 poor children of both sexes, of the Protestant religion, were educated; and had also erected almshouses for 18 poor decayed housekeepers of said parish, vests said premises in several persons by name, and their respective heirs, and the bishop and mayor of Cork, and the ministers and churchwardens of said parish, and their successors for ever, upon trust, to apply same to the purposes aforesaid, with power to any four of said trustees, having met together in the library of said hospital, and having given notice to the minister, to dispose of the funds, and elect new trustees.

There are 60 children of Protestant parents, now partially clothed and educated in this institution; and there are about 40 poor persons, all Protestants, lodged in the almshouses, but not otherwise supported.

Its funds are about £90 per annum. They are derived from bequests, part whereof is a rent charge, and from voluntary subscriptions amounting to about £20 a year. The only persons receiving salaries are a schoolmaster and schoolmistress and one female attendant.

Besides the above, which are more immediately connected with the corporation, there are several other very valuable charitable institutions, which are supported by voluntary contributions, aided by grand jury presentments.

House of Industry.

159. Amongst them is the House of Industry. This institution was originally established under the 11, 12 Geo. III. c. 30, for the reception of vagrants and poor helpless men and women of the county of the city of Cork alone; but there not being a similar house for the county of Cork, there was a continual influx of beggars and destitute persons from the county, many of whom were admitted into the city house of industry. Under these circumstances, application was made to Parliament, and the Act of the 27 Geo. III. c. 44, was passed, which, reciting that in some counties no house of industry had been erected, and the poor had been received into the houses of industry belonging to the county of a city or town adjoining,

enacted, that the grand juries of such counties might present money for the use of the house of industry in such city or town, which was to be considered for all purposes the house of industry for the county, as well as the city or town.

This Act was, however, only a temporary Act. It was revived and continued, by the 34 Geo. III. c. 23, to the 24th of June 1800, and to the end of the then next session of Parliament; but was then permitted to expire. For some time after this, however, the grand jury of the county of Cork continued to make presentments for the establishment; but, discovering after some time that the Act had expired, discontinued doing so. Thereupon all the county paupers, except such as from age or infirmity were unable to move, were turned out, and no further admission of county paupers was allowed. At the next ensuing assizes, the grand jury of the county, seeing the distress thus occasioned, made a presentment of £700 Irish for the support of the institution, as formerly; and no objection having been made to it by the judge, have continued to do so at each assizes ever since, though there is now no Act of Parliament to sanction such a practice.

The sums presented for its support are £700 Irish, (£646 3*s.* 1*d.* British,) at each assizes by the grand jury of the county of Cork, and £800 British, at each assizes by the grand jury of the county of the city, being £2,892 6*s.* 2*d.* for both in the year, although the Acts 11, 12 Geo. III. c. 30, 23, 24 Geo. III. c. 58, 46 Geo. III. c. 95, and 58 Geo. III. c. 47, s. 11, only authorize the grand jury of a county to present to the extent of £1,200 Irish, and the grand jury of a county of a city to present to the extent of £1,000 Irish per annum, for the support of a house of industry. The grand juries appear to have exceeded their powers, from a desire to render the institution more generally useful.

The governors by Act of Parliament are the city representatives, the mayor, sheriffs, recorder, aldermen, and so many residents of the city as may be elected by the governors, and all persons giving a donation of £20 Irish, or paying a subscription of £3 Irish a-year, to the institution. To these, in consequence of the establishment being in part supported by county presentment, the Bishop of Cork has been added, he being by Act of Parliament one of the governors of a county house of industry.

The institution is supported by the above-mentioned presentments, voluntary subscriptions, collections at charity sermons, and the produce of the labour done by the inmates.

The amount of the income in the year 1833 was as follows:

	£	*s.*	*d.*
Voluntary subscriptions	248	10	0
Donations and legacies	291	10	0
Collections at charity sermons	365	16	2
Grand jury presentments	2892	6	2
Produce of paupers' work	979	13	0
Manure sold	59	9	6

These sums, with the interest on legacies funded, and some small annuities, make up an income of £4936 1*s.* 10*d.* This income is expended in the support of paupers in the house; the number admitted in the last year was 1850.

Accounts of the income and expenditure are made out twice in the year; and after being audited by a committee of the governors, are laid before the grand jury. Copies of the two last accounts are hereto annexed.

Lunatic Asylum.

160. The Lunatic Asylum, which adjoins the house of industry, was originally established on a small scale, as auxiliary to that institution, and was supported from its funds. Having been afterwards considerably increased by means of private donations, and the statute of 27 Geo. III. c. 39, (the Gaol Act,) having passed, enabling the grand juries of counties and counties of cities to present for the support of wards for the reception of idiot and insane persons, recommended by two magistrates of the counties respectively, the grand juries of both the county and county of the city of Cork adopted this institution as a place for the reception of such persons, and under the powers so given presented such sums as were necessary for its support, leaving the institution under the management of the governors of the house of industry, as before, under whose government it continues.

The grand juries still present such sums as are necessary to support it, the shares to be presented by each being ascertained by dividing equally between them certain fixed expenses of the establishment, and contributing to the maintenance of the inmates in proportion to the numbers admitted from each county. The sums presented last year were £1800 by the grand jury of the county of the city, and £3090 by the grand jury of the county. The number of lunatics at present in the establishment is 343. It is not a distinct lunatic asylum, or placed under the 1, 2 Geo. IV. c. 33, 6 Geo. IV. c. 54, 7 Geo. IV. c. 14.

There are six officers, who receive salaries amounting to £774 per annum, besides twelve keepers at 13*s.* 9*d.*, two assistants at 14*s.* 1*d.*, and six nurses at 6*s.* per week.

Hospital attached to House of Industry and Lunatic Asylum.

161. There is an Hospital connected with these establishments, containing 140 beds.

Fever Hospital.

162. There is also in the city an excellent Fever Hospital, which is supported by voluntary contributions, and by a presentment of double the amount of the subscriptions from the grand jury, under the 58 Geo. III. c. 47, whereby a corporation is created in every county, county of a city, and town in Ireland, called "The President and Assistants of the Fever Hospital." In Cork the members of this body, under the Act, are the mayor, sheriffs, and recorder, the representatives in Parliament, the justices of peace, who are the aldermen, such residents as may be elected by the body, and contributors of £20, or of one guinea per annum.

CITY OF CORK.

163. There are two infirmaries within the city; one in the north liberties, the other in the south.

North Infirmary.

The North Infirmary was established under the 25 Geo. II. c. 23; and under the 5 Geo. III. c. 20, 45 Geo. III. c. 111, 47 Geo. III. sess. 2, c. 50, 49 Geo. III. c. 36, and 54 Geo. III. c. 62, is supported by a presentment of £250 Irish per annum, £50 paid by the Government, and by voluntary contributions, amounting to about £100 a year. It has, also, some property, arising originally from bequests, and now amounting to £2163 15*s.* 3*d.*, which is invested in stock, and the annual produce applied in aid of the income. A considerable sum of money, now amounting to £1100, was about four years ago placed at the disposal of the trustees, by a Mr. Sampayo, for the purpose of increasing the internal accommodation of the hospital to 100 beds; and a sum of £500 was bequeathed to them by a Mr. Rochford, for the same purpose. A subscription was set on foot in aid of those donations, and a sum of £3200, in all, was raised, which the trustees are now expending in erecting a new hospital, and the building will, when completed, afford accommodation to 110 intern patients, with apartments for the necessary officers.

The entire income of the infirmary, at present, is about £500 per annum.

All classes of medical and surgical cases, not contagious, are admitted into the infirmary. There are 28 intern patients, as many as the present building can accommodate; and besides, relief is afforded to about 12,000 poor persons annually, who attend at the hospital for advice and medicine.

Two physicians, who are paid £20 per annum each, and two surgeons, one of whom is paid £20, the other giving his assistance gratis, attend the infirmary.

The trustees of this infirmary are the Archbishops of Cashel and Tuam, the mayor, recorder, and sheriffs, the Bishops of Cork, Cloyne, and Ossory, the city and county representatives, the dean and archdeacon of Cork, the chancellor of the diocess, and the rectors of St. Anne's, St. Mary Shandon, Christ Church, and St. Paul's, who are nominated by the Act of Parliament, and 15 other persons, elected by subscribers of one guinea per annum, from amongst themselves.

South Infirmary.

164. The South Infirmary was established under the 11, 12 Geo. III. c. 23. It is supported by a similar presentment of £250 Irish, £50 per annum from the Government, and voluntary subscriptions, amounting to about £200 a year.

It contains about 32 beds, in which 339 patients were received during the last year. Besides 10,004 out-patients received relief by medical advice and assistance. All the physicians and surgeons give their services gratis. The officers and servants receive salaries, amounting to about £131 per annum.

The trustees of this infirmary are the same official persons as those mentioned above as trustees of the north, with 15 other persons, elected in the same manner by the subscribers.

Accommodation insufficient. Attempt to unite both Infirmaries and County Infirmary.

165. The Accommodation for intern patients furnished by these two hospitals, in their present state, is quite inadequate to the wants of such a city as Cork, and though a considerable increase of accommodation will be furnished by the addition to the North Infirmary, now in progress, yet the funds of that institution, at their present amount, must be quite insufficient to support the infirmary, on that extended scale. In consequence, an attempt was some time ago made by the trustees of the two infirmaries to unite them and also to constitute them a general hospital, both for the county and county of the city of Cork, and a proposal was made by some of the county gentlemen that one building should be erected sufficient for all those purposes, and that the county should take one-third of the accommodation, and pay one-third of the expense. This proposal was acceded to by the boards of the two infirmaries, and the draught of a Bill was prepared to carry the agreement into effect. Afterwards, for some reasons, the arrangement, so far as regarded the county, was given up, and the Bill was altered so as to provide only for the union of the two infirmaries, and in this state was passed at an expense of £482 8*s.* 6*d.*, which was paid out of the sum of £3200, collected in aid of the Sampayo donation. The Act is the 2, 3 Will. IV. c. 103.

In July 1832, after the passing of the Act, the trustees of the two infirmaries, who were thereby incorporated, met as one board, elected a secretary, and appointed a committee to inquire and report upon a proper site for the new infirmary. At this time the building at the north infirmary had not been commenced, and the Sampayo fund, having been lodged in the provincial bank, was accumulating. The committee, appointed to select a site, made a report, recommending a piece of ground on Lapp's Island as being central; but it was found, upon inquiry, that the purchase and preparing of this site would have exhausted the entire fund. Much difficulty then arose as to the choice of another; and, after considerable delay, the building at the north infirmary being in an unsafe state, the trustees determined to bring the matter to an issue, and a meeting of the joint board being convened, a resolution was passed to abandon all intention of building a general hospital; that the fund subscribed in 1829 should be applied to the purposes of the north infirmary; and that the north and south infirmaries should be conducted by their respective boards, as theretofore, the Act of Parliament having provided that the trustees should not lose their several capacities until the new infirmary should be ready to receive patients.

It is much to be regretted that the arrangement thus nearly carried into effect had not been completed, as by thereby getting rid of the double staff of officers and servants, the fund applicable to the relief of the poor would have been much economized.

Masterson's Charity and Lapp's Bequest.

166. There is also a charity called Masterson's Charity, for providing marriage portions for Protestant servant-maids, giving a preference to those who had been educated in the Green Coat Hospital, and a sum of £30,000 was bequeathed during the last year by W. Lapp, Esq., for the support of poor old Protestants in the city of Cork. The will, however, was not properly

witnessed to pass freehold estates, and the heir resists payment; but it was represented to us that there was personal estate sufficient to pay nearly the whole of the bequest.

STATISTICAL DETAILS.

167. There was formerly an extensive manufacture of woollens and worsted stuffs in the city, but this has very much fallen off, insomuch that there are now but one manufactory of woollens and two worsted-spinning and stuff manufactories, which do much business.

The manufacture of leather is in a very thriving state, and much is made for export to England. There are several very extensive distilleries in the city. The export of spirits, porter, leather, corn, and provisions, constitutes the principal trade.

The following Table exhibits the condition of the county of the city of Cork, in the year 1831:

Population: males 48,312; females 58,704. Total 100,716.
Occupations, viz.

Families chiefly employed in agriculture	- - -	1,967
Ditto in trade, manufacture, or handicraft	- - -	10,989
Ditto not comprised in the above classes	- - -	6,995
Houses: Inhabited	- - -	10,986
Uninhabited	- - -	735
Building	- - -	146

Of the above population, more than 82,000 were stated to be the number of inhabitants of the city and suburbs.

GENERAL OBSERVATIONS.

168. From the state of things above detailed, it is quite manifest that the corporation of Cork in no way represents the inhabitants of the city, and that their interests are by no means identified with that of the corporation. Out of so great a population little more than 1000 are admitted to participate in its privileges, and those who are have been selected with the express view and object of preserving the body as exclusive in politics and religious opinions as it is at present.

A small select body have got possession of the now insignificant remains of a large property, which was originally granted for the benefit of the citizens at large, much the greater portion of it having been long since appropriated by the corporation to the use of individual members or disposed of to meet present exigencies, without regard to the interests of their successors. Out of the munificent grant made by Henry III. of the city of Cork and all the tenures of the citizens within and without the walls to the right bounds of the city, they have now little better than £770 a year, as to part, without any, and as to the residue with a very distant, prospect of any increase; thus furnishing pregnant proof of the impolicy of giving, to any body powers over property intrusted to it for public purposes. The corporation has still, however, a very considerable income derived from tolls, a species of property which, even under the best circumstances, is the least productive to the owner, and most harassing to the payer, a large portion of it being lost in the difficulty and expense of collection.

The exemption from this tax enjoyed by the freemen in Cork, also renders it still more generally obnoxious to the public at large, as conferring unjust advantages in trade on a favoured class. Nor is the mode in which this income is disposed of by the corporation calculated to reconcile the people to the payment of it; nearly a third of the entire goes to support the establishment of the mayor, whom they see from year to year enjoying the large emoluments of the office without rendering any adequate services, and the residue is expended without conferring any essential benefits on the citizens at large. But independently of their own proper revenues, the corporation of Cork have, indirectly, through the medium of the different boards and the grand jury, the disposal of a large sum of money, amounting to near £54,000 per annum, and enjoy connected therewith very considerable patronage, of which they have made a complete monopoly, another fruitful source of jealousy and discontent.

The paramount cause, however, of the unpopularity of the corporation with the great mass of the inhabitants of Cork, is the exclusion of Roman Catholics as well from the corporation itself, as from all the boards under its control and influence. And it should not be thought extraordinary that such a feeling exists when it is considered that they form a vast majority of the population, and possess amongst them much of the respectability, wealth, and intelligence of the city.

LOCAL ACTS.

169. All the local Acts affecting the city of Cork, which were passed by the Irish Parliament, will be found printed amongst the public Acts of that body; the principal of them are referred to above under their proper heads. The local Acts relating to Cork, enacted since the Union, are the following, viz.:

46 Geo. III. c. 38. The Gaol Act.
53 Geo. III. c. 70. The Butter Weighhouse Act.
53 Geo. III. c. 111. The Valuation Act.
54 Geo. III. c. 196. The Commercial Buildings Act.
54 Geo. III. c. 197. The Assize of Bread Act.
55 Geo. III. c. 82. The Valuation Amendment Act.
1 Geo. IV. c. 52. The Harbour Act.
3 Geo. IV. c. 79. The Market Act.
3 Geo. IV. c. 85. The Wide Street, Court of Conscience, and Justices Court Act.
23 Will. IV. c. 103. Act for Uniting Infirmaries.

CITY OF CORK.

We send with this Report copies of the following Documents:

1. List of Entries taken from Corporation Books, as to the Election of Mayors and Sheriffs, or Bailiffs.
2. Ditto as to Freemen.
3. Rent Roll of Corporation Lands, Houses, &c.
4. Docket of Market and Gateage Tolls payable to Corporation.
5. Statement of Produce of Out-Markets for year ending 29th September, 1833.
6. Statement of Gross Receipts of, and Deductions from, Gateage Tolls, for three years, ending respectively in 1831, 1832, and 1833.
7. Receipts and Expenditures of Corporation for each of the five years ending respectively on the 29th of September, in the years 1828, 1829, 1830, 1831, and 1832.
8. Docket of Swordbearer's Dues, of Mayor's Dues, and of Water Bailiff's Dues now abolished.
9. Amount of Mayor's Dues on Coals for the year ending in 1833.
10. Three years' Average of Fees received by the Mayor's Secretary.
11. Costs in Court of Record.
12. Fees taken by the Magistrates in their office, as settled by Grand Jury, and approved by the King's Bench.
13. Present and former Costs for recovery of Church Rates in the Police Office.
14. Return of Number of Informations returned to Assizes and their results, for three years, ending in 1833.
15. Return of Cases tried at Sessions, and the results for the same three years.
16. Schedule of Presentments made at the Spring Assizes 1833, by the Grand Jury of the County of the City of Cork.
17. Salary of Officers of City Gaol.
18. Ditto of ditto of Bridewell.
19. Copy of Bye-laws of Corporation of the year 1721.
20. Receipts and Expenditure of Harbour Board each year since its establishment in the year 1821.
21. Sums granted at different periods to improve Cork Harbour.
22. Bye-Laws made by Harbour Commissioners.
23. Docket of Dues payable under said Bye-Laws to Harbour Commissioners.
24. Debited Accounts of Receipts and Expenditure for the years 1830, 1831, and 1832.
25. Bye-Laws of Wide Street Board.
26. Abstract of Contract with Gas Light Company.
27. Abstract of Accounts of Wide Street Board for five years, ending in 1833, with the average of said five years.
28. Receipts and Expenditure of said Market for three years, ending 11th August 1833.
29. Bye-Laws of Foundling Hospital enacted in the year 1811.
30. Bye-Laws recommended by the Committee appointed in 1830, but not as yet ratified.
31. Accounts of Foundling Hospital for the year 1831.
32. Abstract of Income and Expenditure for ten years, ending in 1829.
33. Accounts of House of Industry and Lunatic Asylum, laid before the Spring Grand Juries.
34. Annual Salaries of Officers of both Institutions.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry commenced in the City of Cork on the 5th day of October 1833, and terminated on the 29th of the same month.

259

REPORT

ON

THE BOROUGH OF DONERAILE.

BOROUGH OF DONERAILE.

1. THIS town returned two Members to Parliament previous to the Union. The elective franchise was vested in the freeholders of the manor of Doneraile, and the seneschal was the returning officer.

CHARTER. The Charter which created the manor, dated the 30th March, 15 Charles I., A. D. 1639, enrolled in Chancery, (Rot. Pat. 15 Car. I. p. 11, m. 1,) was granted to Sir William Saint Leger. It also gave powers to the seneschal of holding a Court Leet and a Court Baron, with jurisdiction in personal actions to the extent of 40*s.* Irish, and constituted Sir William Saint Leger, his heirs and assigns, lords of the manor. His descendant, Viscount Doneraile, is now lord of the manor. This charter also granted a weekly market on Thursdays, and two fairs annually on the feast of St. Magdalen and All Saints.

A subsequent charter, dated the 1st May, 31 Charles II., A.D. 1680, enrolled in Chancery, (Rot. Pat. 31 Car. II. p. 2, m. 39, d.) granted to John St. Leger, that the freeholders of the manor made by him, his heirs and successors, should have authority to return two burgesses to serve in the Irish Parliament. No corporation was created.

Seneschal. 2. A Seneschal is still appointed, and he holds courts occasionally with the view of preserving the right; but scarcely any business has been transacted in them for the last five years,

Compensation at the Union. 3. At the Union, the then Lord Doneraile received the whole Compensation for the disfranchisement of this borough.

STATISTICAL DETAILS. The following Table is applicable to the state of this town in the year 1831:

Population: males, 1205; females, 1447. Total, 2652.

Families chiefly employed in agriculture	179
Ditto in trade, manufactures, and handicraft	208
Ditto, not included in either of the above two classes	141
Houses inhabited	357
Ditto uninhabited	21

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 17th of September 1833.

261

REPORT

ON

THE BOROUGH OF DUNGARVAN.

CONTENTS.

	Page
Charters	63
Corporation, Extinction of	64
Elective Franchise	64
Limits	64
Property	64
Fairs and Markets	64
Manor of Dungarvan	64
Seneschal	64
Courts	65
Manor Court	65
Court Leet	65
Harbour Dues	65
Market Jury	65
Harbour Master	65
Gaol and Court House	65
Magistrates and Police	65
Statistical Details	66

BOROUGH OF DUNGARVAN.

CHARTERS.

1. THE Town of Dungarvan was anciently an honour vested in the Crown, and must have been incorporated at a very early period, as we find that in an Act of a Parliament, held at Wexford in the 3 Edward IV., set forth in the Charter of James I. hereinafter mentioned, a corporation was recognised as then existing in it, by the name of "The Portreeve and Commons of the Town of Dungarvan." This Act granted to the corporation, the liberties, privileges, and customs of the tenants and inhabitants of Clair, in England, and that they should have all manner of customs of all merchandises bought and sold within their franchises, as the mayor and commons of Bristol had, to be expended upon the walls and other defences of the town, under the superintendence of Thomas Earl of Desmond.

Act of 3 Edw. IV.

Charter of James I.

The first Charter granted to the town which we have been able to find on record, is one of the 4th January, 7 James I., (A. D. 1609, 10,) enrolled in Chancery, (Rot. Pat. 7 Jac. I. p. 3, m. 6,) which, after the recital of the above-mentioned Act of Parliament, confirms the same, and all liberties, privileges, &c. thereby conferred; and, after also reciting the evils sustained by said town from rebels and traitors, and the loyalty of the inhabitants, and that the tenants and inhabitants of said town had of times long since possessed and enjoyed many privileges, it grants that said town should be for ever thereafter a free borough, and that the entire parish of the parochial church of the blessed Virgin Mary, of Dungarvan, into whatever towns or hamlets the same extended, and the parish called Nugent's parish, lying within the ancient liberties of the said town, or borough of Dungarvan, and all the lands, tenements, and hereditaments within the said parishes, should, in future, be the liberties and franchises of the said borough of Dungarvan; and that there should be within the said borough a body corporate of the inhabitants of said borough, consisting of a sovereign, brethren, and free burgesses of the said borough, the brethren to be twelve, of whom the sovereign should be one, and that they should be elected from the free burgesses; and that the rest of the burgesses should be elected from the more honest and best deserving of the inhabitants, by the sovereign and brethren, whenever they should think fit so to do. The charter then, after nominating the first sovereign and brethren, and authorizing them to admit burgesses, and creating them a common council of the said borough, incorporates them and such burgesses as they should admit by the name of "The Sovereign, Brethren, and Free Burgesses of the Borough of Dungarvan." It then gives the power to the sovereign and brethren to elect the sovereign from amongst themselves annually, and to the sovereign, brethren, and free burgesses, to appoint, by their letters patent, and under their seal, some fit person to be recorder of the said borough during their pleasure; and that they should also have power to appoint a town clerk to hold his office during good behaviour, and two serjeants at mace, and a water-bailiff to execute all summonses, distresses, attachments, and other precepts of the court of the said borough; and that the sovereign, with the assent of the council, should have power to appoint one of the brethren to be deputy sovereign during his absence.

The charter further grants to the said sovereign, brethren, and free burgesses, power to hold a Court of D'Oyer Hundred twice in the year, for the purpose of making bye-laws, and constitutes the sovereign and recorder for the time being justices of the peace within the said borough, and throughout the whole county of Waterford.

It further grants to the said corporation the power of holding, on every Monday, a Court of Record before the sovereign and recorder, or his deputy, for the determination of all causes personal to any amount arising within the said borough, or liberties, or precincts thereof; and that the sovereign should be escheator, assay-master, clerk of the market, and coroner of the said borough, so as to exclude all other such officers.

And it further grants to the said corporation, the right of holding a Court Leet before the recorder, or his deputy, twice in the year; one within a month after the feast of Easter, and the other within a month after the feast of St. Michael; and that they should have in the said court the assize of bread, and of all other victuals coming to be sold.

It further grants to the sovereign, brethren, and free burgesses, all fines, amercements, and forfeitures in the said Courts Leet, for the repair of the walls, and likewise all goods and chattels waved and strayed within the said borough and its franchises, and a moiety of the goods and chattels of all felons, fugitives, &c., and all wrecks of the sea happening within the said borough and franchises, and precincts thereof.

It also grants to them the right of holding two markets weekly, one on Wednesday, and the other on Saturday; and also two fairs, one to be held on the feast of St. Barnabas, and two days following, and the other on the feast of St. Simon and St. Jude, and two days following; with power to hold Courts of Pied Poudre, and all tolls, profits, and advantages to the said markets and fairs belonging.

It further directs the said corporation to build a gaol in the said borough, and grants that they shall have the custody thereof.

The charter further confers on the said corporation the office of admiral, and all jurisdictions,

DUNGARVAN.

authorities, and pre-eminences to the said office belonging, within all ports, creeks, and maritime places within the said borough and franchises thereof, and all ports, creeks, and places between a promontory, called Rynemenard, near Ardmore, in the county of Waterford and Stradbally Creek, in said county, and through the entire rivulet of the said borough of Dungarvan, to the flowing and ebbing of the tide within the same; and that they should have the exclusive power to hold a Court of Admiralty within the said limits as often as need be, and all profits, advantages, and emoluments to the said court belonging to their own use, without rendering any account thereof to his Majesty, his heirs or successors.

It further grants that the corporation should have to their own use the customs of murage, cranage, keyage, anchorage, and lastage of all merchandises imported or exported into or out of the port of Dungarvan, and the creeks thereof, in as ample a manner as the city of Waterford was accustomed to have, saving, however, to the king and his successors, his great and petty customs, and the custom or subsidy of tonnage or poundage, viz., the payment of one shilling in the pound for all merchandise imported or exported, whether by natives or foreigners; and it concludes by creating a corporation of the staple with the same powers as the corporation of the staple in Dublin.

Of James II.

Another charter, dated the 15th April, 5 James II. (A. D. 1689,) is on record, enrolled in Chancery, (Rot. Pat. 5 Jac. II. p. 1, m. 10,) which recites that the sovereign, brethren, and free burgesses of the borough of Dungarvan had enjoyed many liberties, privileges, and franchises, which, by the judgment of the Court of Exchequer, had been seized into the King's hands. This charter, like others of the same period, has had no operation, but it seems to afford evidence of the existence of the body corporate up to the time of its date.

Extinction of the Corporation.

2. Notwithstanding the important privileges at one time enjoyed by the Corporation of Dungarvan, yet, by some revolution in its affairs, the particulars of which we have been unable satisfactorily to ascertain, the corporation became extinct at a very remote period, we believe much more than a century back. We examined one gentleman, of very great age, a native of this town, who stated that he had never known or conversed with any person who recollected the existence of a corporation, or of any corporate officer in the town.

Elective Franchise.

3. On the extinction of the corporation, the right of electing Members of Parliament, which is by charter granted to the members of the corporation, passed to the freeholders and householders of the manor of Dungarvan, which appears to have been coextensive with the ancient borough, and the seneschal of the manor became the returning officer. This borough, since the Union, returns one Member to the imperial Parliament.

Limits.

4. The Limits of the borough, as defined by the Boundary Act, exclude some portions of the manor, and do not seem to be very conveniently settled with reference to the town; some parts of the borough being about four miles distant from it, whilst places within a mile of it are excluded.

Property.

5. An opinion prevails amongst the inhabitants that the corporation had considerable Property in the borough, which is now in the possession of the Duke of Devonshire; and Smith, an author whose information we have generally found to be correct, states, in his "History of Waterford," that the corporation had considerable property in lands and houses.

Fairs and Markets.

6. We find that two ancient Fairs are still held on the days upon which fairs were granted to the corporation by the charter of James I., and the tolls thereof were, until recently, paid to John Keilly, Esq., of Strancally, in this county. The two weekly Markets are also held, and the tolls thereof were taken by the Duke of Devonshire until within the last few years. Two new fairs are likewise held under a modern patent granted to the Duke. His grace has not, since the appointment of the Committee of the House of Commons to inquire into the Collection of Tolls in Ireland, collected tolls either at the fairs or markets of this or any other town belonging to him, but his agents still assert his right to resume their collection. His grace also claims the right of fixing the place of holding the markets, and has lately removed the market from the old to the new town. A complaint was made to us of the impropriety of the removal; but on inspection of the place we could not fail to observe that the change, however it may have affected the interests of some individuals in business, is a decided improvement, and an accommodation to the public.

Manor of Dungarvan.

7. It appears from Smith's "History," before mentioned, that the Manor and Lordship of Dungarvan were, in the reign of Henry VIII., granted to a member of the Ormonde family, and we find them again annexed to the Crown with the consent of the Earl of Ormonde, by the statute 34 Henry VIII. c. 1.

The present manor of Dungarvan, and its privileges, were created by a patent granted on the 8th day of November, in the second year of the reign of James I., to Sir George Thornton, his heirs and assigns, at a rent of £20 per year. The manor passed from his descendants to the Earl of Cork, and is now vested in the Duke of Devonshire, the present lord of the manor.

Extent of Manor.

8. The Manor is coextensive with the union of Dungarvan, which is composed of three parishes, viz. Dungarvan West, Abbeyside, and Ballinrode, or Nugent's parish; the first two, though now distinct, forming the parish of Dungarvan mentioned in the charter.

Officers of Manor.

9. The only public Officers possessing local authority within the borough are the seneschal of the Manor and the harbour master.

Seneschal.

10. The Seneschal is appointed by the Duke of Devonshire, as we were informed, by virtue of a power conferred by the patent above mentioned on the lord of the manor.

The only emoluments of the seneschal are at present the fees in his court, which are not considerable. There was a custom, which was discontinued about eight or ten years since,

according to which every vessel coming to the port of Dungarvan with coals, salt, or oysters, to discharge, gave the seneschal a portion of each cargo.

Duties of Seneschal.

11. The Duties of the Seneschal are, to act as returning officer at the elections of the representative for the borough, to preside in the Manor Court, and to summon and preside at the leet. He also receives the port dues from the harbour master, and superintends their expenditure on the quays, and conceives himself authorized to exercise an admiralty jurisdiction, and to claim wrecks of the sea for the lord of the manor over a line of coast nearly corresponding with that over which the admiralty jurisdiction was conferred on the corporation by the charter of James I.

Manor Court.

12. He exercises in the Manor Court, which he states to be a Court of Record, an original common law jurisdiction to the extent of £15 Irish, in pleas on bill and specialty; and to the extent of £10 Irish, on other contracts. In this form of proceeding the suit commences by the issuing of an attachment against the goods. He also exercises a civil bill jurisdiction to the same amount, in both cases, and the proceedings are then carried on according to the usual course of civil bill process in the Manor Courts of Ireland. This court is held from three weeks to three weeks on Fridays.

Court Leet.

13. The seneschal has been accustomed to summon a Court Leet once a year, on the 20th of October, but neglected to do so on the 20th of October in the year 1832, being that previous to our visit.

The jury of the leet, which is summoned and sworn by the seneschal, performs important duties. It presents the sums to be paid for quayage and anchorage on all vessels loading and unloading at the quays, or anchoring in the harbour, within the points of Helvick Head and Ballinacourty. At a leet held on the 10th of September 1830, certain rates were presented as proper to be levied thenceforth for quayage and anchorage, viz.:

Harbour Dues.

	s.	*d.*
For any vessel under 20 tons register - - -	1	0
For any vessel of 20 and under 30 tons - -	1	6

and the charge was increased at the rate of 6*d.* for every additional 10 tons up to 190 tons, for which, or any vessel of larger tonnage, the charge was fixed at 10*s.* Fishing boats belonging to Dungarvan, or Abbey-side, to pay only 1*s.* per year; and fishing boats not belonging to the harbour, 4*d.* each time they discharge.

Vessels anchoring in the harbour for safety, without discharging, to pay half the above charges. Mooring at the quay to pay full charges, as if loaded or discharged.

Row boats, or lighters, loading or discharging, on the public quay, any commodity but fish, 1*s.* per year, or 2*d.* per load.

Vessels discharging coal or culm, requiring the use of beam, scales, and weights, to be furnished with them at the rate of 2*s.* 6*d.* for all vessels under 60 tons, and 3*s.* 6*d.* for all vessels of 60 tons and over.

Shippers of cattle to pay 2*s.* 6*d.* for shipping on vessels of 60 tons and under, and 3*s.* 6*d.* on vessels over 60 tons.

Expenditure of Harbour Dues.

14. These charges are levied by a harbour master, and by him paid over to the seneschal, who expends the amount, after deduction of the salary of the harbour master, on the repairs of the quays. They are stated not to be sufficient for that purpose, and such further funds as are required are supplied by the Duke of Devonshire, the lord of the manor.

Market Jury.

15. The jury of the leet have been in the habit of appointing a Market Jury, which practice has been kept up of late years merely to continue the ancient custom. The persons appointed do not act, and are not called upon by the seneschal to do so. The seneschal claims a right of veto upon all presentments of the leet, and has sometimes exercised such right.

Harbour Master.

16. The Harbour Master is appointed by the jury of the leet by presentment. His duty is to collect the harbour dues, and regulate the shipping. His only emolument is a salary of £15 per year, which he retains out of the dues collected by him.

Gaol and Court House.

17. There was formerly a manor Gaol and Court House in the town, but a new county bridewell and court house have been lately built by the county grand jury, and they are now used for the purposes of the manor and borough. The building that was formerly used as the manor gaol and court house, is now in possession of the Duke of Devonshire.

Magistrates and Police.

18. The seneschal has no magisterial authority. The County Justices and Police do all the duty of preserving the peace in the town. Dungarvan is one of the quarter sessions' towns of the county, and is in the same division as Lismore. The assistant barrister sits three times in the year here, and but once at Lismore.

Resemblance of the Manorial Privileges to the Corporate Rights.

19. Several of the powers exercised by the seneschal, and the privileges claimed by the Duke of Devonshire, and by Mr. Keilly also, as to the old fairs, resemble so much some of the franchises conferred by the charter on the extinct corporation, as to lead us, in the absence of more accurate information, to the belief, that they are, in fact, parcel of the corporate rights. Whether these rights were transferred by the corporation previously to its dissolution, or were exercised without authority after that event, by the lord of the manor and the owner of the soil on which the old fairs are held, we had no materials before us from which we could form an opinion.

DUNGARVAN. STATISTICAL DETAILS.

20. The following Table represents the numbers and occupations of the inhabitants of the manor of Dungarvan, in the year 1831:

Population: males, 5,030; females, 5,831. Total	10,861.
Families employed chiefly in agriculture	417
Ditto in trade, manufacture, or handicraft	664
Ditto not comprised in the other two classes	864
Houses inhabited	1517
Ditto uninhabited	54

Of the above population the numbers inhabiting the town of Dungarvan, consisting of Abbeyside and Dungarvan Proper, is 8386.

The principal occupation of the inhabitants is in the fishery, and the persons engaged in it are, frequently, in unpropitious seasons, and in consequence of their own imprudence, reduced to great distress. There is a small export of butter and corn. The houses in the part of the town belonging to the Duke of Devonshire, are modern, and of a good description; but the old town has gone much into decay. The Duke of Devonshire has, at his own private expense, caused a bridge to be built here, which is a very great ornament to the town, and of much convenience and advantage to it and the surrounding country.

Supply of Water.

21. The inhabitants of this town suffer great inconvenience from a scarcity of fresh Water, the only Supply to the public being from one well outside the town. Formerly there was an abundant supply procured from a stream called the Finisk; and we find that a sum of £800 was granted by the Act of the 29 Geo. II. c. 1, and a further sum of £500 by the Act of 1 Geo. III. c. 1, for making and completing an aqueduct from that river to the town of Dungarvan. The work was completed, but the property in the aqueduct not having been vested in trustees, and the soil over which it ran not being at all transferred, some proprietor stopped it up about 40 or 50 years ago, and in that situation it remains to the present time.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 5th and 6th days of September 1833.

267

REPORT

ON

THE BOROUGH OF KILMALLOCK.

CONTENTS.

	Page
Charters	69
Style	69
Limits	69
Corporation, Classes of	70
The Sovereign	70
Council	70
Burgesses	70
Officers of Corporation	70
Deputy Sovereign	70
Town Clerk	70
Serjeant at Mace	70
Gaoler	70
Pound Keeper	70
Billet Master	70
Weighmaster	70
Justices of the Peace	70
Court	70
Police	70
Property	70
Fairs and Market	71
Statistical Details	72

BOROUGH OF KILMALLOCK.

1. THE Town of Kilmallock is one of the most ancient in Ireland, and the corporation, if not one by prescription, must have been created by a very early charter, as it is recognised as then existing in a charter of Edward III., bearing date the 1st of March, in the forty-ninth year of his reign, (enrolled in Chancery, Rot. Pat. 49 Edward III. m. 11. d.) whereby he granted to the provost and commonalty of the town of Kilmallock, tolls or customs of certain commodities coming to the town to be sold, or passing through it for sale, for a period of ten years, towards the rebuilding, repairing, and fortifying of the town. CHARTERS. 49 Edward III.

By another charter of Henry IV., (enrolled in Chancery, Rot. Pat. 10 Henry IV. Art. 55,) the king granted to the portreeve and burgesses of the town of Kilmallock, certain customs therein mentioned for the space of 20 years. 10 Henry IV.

By another charter, bearing date the 24th April, (no year mentioned,) enrolled, Rot. Pat. 36 Eliz. No. 37, m. 16, Queen Elizabeth reciting a demise by her, in the twelfth year of her reign, and her letter of the 15th April, in the twenty-sixth year of her reign, granted to the sovereign, brethren, and commonalty of the town of Kilmallock, certain lands and premises, stated to have been then lately of the possessions of the monastery, or fraternity, of the order of preachers of Kilmallock, to hold to them and their successors for ever. 26 Elizabeth.

The charter, however, upon which the present constitution of the corporation is founded, and by which they are governed, is one bearing date the 10th of January, in the twenty-seventh year of Elizabeth. We have not been able to discover any record of this charter, but letters of Queen Elizabeth, under her privy seal, bearing date the 15th day of April, in the twenty-sixth year of her reign, authorizing such charter to issue, are enrolled in Chancery. (Rot. Pat. 27 Eliz. m.) A copy of the charter was furnished to us by the agent of Richard Oliver Gascoigne. This charter granted to the sovereign and burgesses of the town or borough of Kilmallock all their former liberties and franchises in as full and ample manner as they or their predecessors enjoyed the same, by virtue of any former charters; and further, that every year, on Monday after the feast of St. Michael, they should assemble within the town, and there by assent of 12 the best burgesses, making the council of the said town, or by assent of the more part of them, to whom it gave power for the purpose, should elect one of the burgesses of the town to be sovereign of the same, and granted that the sovereign and his successors should for ever, with the burgesses of the town and their successors, be a body corporate, by the name of "The Sovereign and Burgesses of the Town of Kilmallock," which is their present Style; and that the sovereign of the town, and every other thereafter to be elected, and 12 of the best and discreetest burgesses of the town, being of the council of the same, should have full and free power to implead, and defend, and answer, in all causes concerning the said corporation, or town, by the name of the sovereign and burgesses of the town of Kilmallock; and that whatsoever the said sovereign and council, or the greater part of them, in the name of the sovereign and burgesses of the town, for the common weal and utility thereof, might do or ordain, should be firm, stable, and inviolable, as if the same were done and ordained by all the burgesses convened and assembled, and should be observed by all the inhabitants within the precincts of the town. 27 Elizabeth. Style.

This charter also granted licence to the corporation to levy certain customs, specified in the charter, on commodities sold in the town, to be laid out in the walling, fortifying, and defending it, and by the assent of the council, or the greater part of them, to rate and assess all the inhabitants for the same purpose, as also for contribution to the payment of the sovereign's salary, and other things, according as the sovereign and council, or the greater part of them, should direct. It further granted to the sovereign and burgesses, and their successors, the office of escheator, coroner, and clerk of the market, with the appurtenances; and that they should have a Hundred Court within the town from 15 days to 15 days, and there to hold pleas of land and tenements, and of all personal actions of trespass, covenant, and debt, not exceeding in amount the sum of £20, arising within the town and liberties, with powers of attachment both of body and goods. It also granted to the corporation a fair in the town once a year, from nine o'clock on the vigil of Pentecost for five days following; and that the sovereign with the 12 burgesses should choose four men to be barons in a Court of Pie Poudre therein, who should have power to hold pleas of debt, covenant, and account, arising within the bounds of the town aforesaid, and that the sovereign and his successors should be justices of the peace and coroners within the town, and the limits thereof; and that the sovereign, after the expiration of his year of office, together with the collectors of rates and customs in the town, should make a just and true account before the sovereign succeeding him, and the 12 burgesses aforesaid, or such auditors as should be appointed by them, and not in the Exchequer.

The liberties of the town are marked out on the maps of the Down Survey, and are stated in the book accompanying it to contain 2142 acres of forfeited lands, besides denominations called the Corporation Commons, containing 135 acres, and Spittal lands, 9 A. 2 R., and the town itself, which is not contained in the measurement. LIMITS.

KILMALLOCK.

Classes of Corporation.

2. The Corporation consists at present of a sovereign and an unlimited number of burgesses, of whom 12 form the council; there is no class of freemen or commonalty distinct from burgesses.

The Sovereign.

3. The Sovereign is elected from amongst the burgesses at an annual meeting of the sovereign and burgesses, held pursuant to the terms of the charter on the Monday after Michaelmas day. The form of an annual election is observed, but the same person is always re-elected. His salary is £25 Irish a-year. He has no other emoluments.

Council.

4. The sovereign, immediately after his election, nominates 12 of the burgesses to be of the Council for the next ensuing year, and this body, with the sovereign, is capable, under the charter, of doing, and, in fact, performs all corporate acts but the election of the officers and members of the corporation, which belongs to the whole corporate body.

Burgesses.

5. The Burgesses are elected at the same annual meeting by a majority of the members present. No qualification of residence or otherwise is necessary in the persons elected; and in practice, for many years past, they have been nominated by the present sovereign. Of late years, in fact, it has not been an object to be admitted members of the corporation, and it has been found necessary to solicit friends of the sovereign to accept the office. The number of burgesses at present is 16, of whom there is not one resident within the town or liberties. They are all Protestants, no Roman Catholic having been admitted within the memory of any of the present members. No fees are paid on their admission.

Officers of Corporation.

6. The Officers of the Corporation, besides the sovereign, are,

The Deputy Sovereign,
The Town Clerk,
The Serjeant at Mace,
Jailor,
Pound Keeper,
Billet Master, and
Weighmaster.

Deputy Sovereign.

7. The Deputy Sovereign is now established as a permanent officer of the corporation, and the present deputy has held the office for 15 years, though he goes through the form of an annual election. He, as well as the sovereign, must be taken from amongst the burgesses. He is elected annually by the whole corporate body on the same day as the sovereign, being first proposed by the sovereign. He discharges all the duties of the sovereign, and has a salary of £20 Irish a-year.

All the other officers are elected annually on the same day, and in the same manner as the deputy sovereign, and in practice the same persons are continued in office during life.

Town Clerk.

8. The Town Clerk keeps the corporation books, and attends the annual meetings. He resides at a distance from the borough, and has no other duties to perform. His salary is £8 a year.

Serjeant at Mace.

9. The Serjeant at Mace attends the court held in the borough, and has the execution of its decrees, upon each of which he has a fee of 1*s*. His salary is £4 a year. The same person is also gaoler and pound keeper. From the former office he has no emoluments, and from the latter only the usual fees.

Weighmaster.

10. The Weighmaster keeps a public beam and scales within the town. He has no emoluments but the fees on weighing, which are paid only by such persons as choose to employ him.

The salaries of all the above officers are paid by Mr. Richard Oliver Gascoigne under an arrangement with the corporation hereinafter mentioned.

Justice of the Peace.

11. The sovereign is a Justice of the Peace within the borough, but not to the exclusion of the jurisdiction of the magistrates of the county of Limerick, who hold a Court of Petty Sessions within the town. The sovereign sits with the county magistrates when matters arising within the borough are discussed, but does not act as a county magistrate.

Court.

12. A Court is held before the sovereign, or deputy sovereign, the latter of whom only of late years has sat. It is in the nature of a Court of Conscience, and exercises jurisdiction to the amount of 40*s*. in causes arising within the borough. The court is held once a fortnight, and the average number of cases heard, is six on each court day. The proceedings are by summons. Both plaintiff and defendant are examined upon oath, and the sovereign decides without a jury, and enforces his decrees by warrant against the goods of the defendant. The costs of the proceedings up to a decree are 3*s*. 6*d*. The Hundred Court, granted by the charter, is not now held.

Police.

13. The only Police in the town are a party of the county constables. The streets are repaired by grand jury presentments.

There are no local charities in the town, nor have the corporation any patronage whatsoever.

Property of Corporation.

14. The borough of Kilmallock furnishes a remarkable instance, among many others, of the manner in which corporations in Ireland were, in the process of time, diverted from their original purpose of public benefit to the exclusive advantage of individuals, who either by the possession of property in the town, or through the prudent management of other means, acquired an ascendency in them.

Besides the property granted by the charter of Elizabeth, hereinbefore mentioned, the corporation of Kilmallock were at one time possessed of land and premises near the town of considerable extent, in the whole above 200 acres, and now producing more than £600 a-year, and of a fair in the town with the usual tolls. Of the entire of this property, while in the possession

of tenants under determinable leases, they, in the year 1776, granted a lease to the Right Honourable Silver Oliver for three lives, with covenant for perpetual renewal, reserving a rent of £82 8*s.* late Irish currency, yearly, and a renewal fine of £5 on the fall of each life. The alleged consideration for this lease was a sum of £150, which, as stated in the deed, was the amount of certain debts due by the corporation to divers persons, which Mr. Oliver had agreed to pay. The interest under this lease was afterwards devised by Mr. Oliver to his third son, Silver Oliver, who is now in possession of the lands, and his large estates in the neighbourhood descended to his eldest son, Mr. Richard Oliver, now Mr. Richard Oliver Gascoigne, who also succeeded to the influence which his father had possessed in the corporation, and by means thereof nominated the Members for the borough in the Irish Parliament up to the passing of the Act of Union, and received the sum of £15,000 as Compensation, when by that measure the right was taken away. Union Compensation.

During all this period, from the execution of the lease of 1776, the rent of £82 8*s.* reserved by it had been paid by Mr. Silver Oliver to the corporation, but as it was considered that after the Union that body would be useless, and might, therefore, be permitted to become extinct, it became necessary to consider how the rent should be disposed of. Accordingly a case was laid before counsel by Mr. Gascoigne's solicitor, for directions as to what was to be done on this occasion. He advised that if the corporation were permitted to become extinct, all the property belonging to it would lapse to the Crown, to prevent which, it would be prudent, lest fortuitously by neglecting to fill up vacancies such an event should occur, that the corporation should make a conveyance of their property to Mr. Gascoigne, by whom, whilst the corporation was kept up, it might be applied as theretofore in the payment of the salaries of the corporate officers, or otherwise in trust for the corporation. Under this opinion it was determined to act, and on the 6th of October 1800, a meeting of the corporation was held, at which it was ordered that a fee farm grant should be made by the corporation to Richard Oliver, Esq. of the lands of Kilmallock Hill, Quarry Hill, and the several other lands, the estate of the corporation, which were theretofore demised by them to the Right Honourable Silver Oliver, subject to the said lease, and the covenant therein contained, at the rent of a peppercorn, if demanded; and that the town clerk should prepare a deed accordingly, to which deed, and a counterpart thereof, it was further ordered that the corporation seal should be affixed. The above order was entered on the corporation book, and, according to the usual practice, was signed by the sovereign and ten other burgesses, all of them near relatives, or friends, of Mr. Richard Oliver Gascoigne; amongst whom was Lord Clare, the then Chancellor of Ireland, who, it appears, by another entry in the corporation books, was that same day nominated of the council by the sovereign, and sworn into office.

Pursuant to this order a deed of conveyance was prepared by Richard Oliver Gascoigne's solicitor, also one of the burgesses, whereby the corporation granted all their interest in the lands to Mr. Gascoigne for ever, subject to the peppercorn rent, if demanded; but no stipulation was introduced for the payment of the corporate officers, nor any other trust declared as to the property. The conveyance was made absolutely to Mr. Gascoigne without any reference to any such conditions, though there is no doubt that the grant was made in consequence of an agreement on the part of Mr. Gascoigne entered into with some members of the corporation to this effect; and, by an order made at the next annual meeting on the 5th of October 1801, the fee farm grant so prepared was duly executed. Though the grant to Mr. Gascoigne is thus absolute, he has, ever since the making of it, continued regularly to pay the salaries of the corporate officers, amounting together to the sum of £57 Irish a year; but for the residue of the rent of £82 8*s.* payable under the lease, being the sum of £25 8*s.* Irish yearly, he has never in any manner accounted with the corporation, nor has he at any time been called upon to do so.

It is stated that this sum is expended by Mr. Gascoigne in the repairs of a building in the town, where the meetings of the corporation are held, in the payment of a schoolmaster, and in some other local expenses of a public nature.

No account, however, of this expenditure is kept; it is made entirely at the discretion of Mr. Gascoigne, or his agent, and the particulars of it laid before us, would not countervail the surplus rent, though it was stated to us that upon an average of a series of years they do so.

There are some acres of land called commons, near the town, which formerly were of the possessions of the corporation. The devisee of the interest under the lease of 1776, at one time, laid claim to them as part of the property demised thereby. Another claim was also put forward by Richard Oliver Gascoigne, under his conveyance, and the corporation conceiving they had parted with all their property by those deeds, did not interfere. Persons taking advantage of this dispute, settled on the commons, and built houses thereon. It appeared to us, that these commons did not pass by either of those deeds, and still are the property of the corporation, and in such opinion, the above-named claimants seem now to acquiesce, yet no proceedings have been taken to dispossess the persons who took possession of them. The only other property remaining to the corporation, is the ancient castle, in which its meetings are held.

15. Six Fairs are held annually in the town, and a weekly Market, and tolls are taken at them. None of these, however, is the ancient fair mentioned in the charter of Queen Elizabeth. They are held under a modern patent granted to the corporation in the second year of George IV. This patent, though in the name of the corporation, was taken out, and the expense of it paid by Mr. Charles Deane Oliver, another brother of Mr. Gascoigne, and the fairs granted by it, with the tolls, were immediately after the grant of them assigned by the corporation to him for a nominal consideration, and are now received by his widow. Fairs and Market.

The tolls are small in amount, and of little value.

KILMALLOCK.
STATISTICAL DETAILS.

16. The following Table shows the state of this town in the year 1831:

Population: males, 570; females, 643. Total 1,213.

Occupations, viz.

Families chiefly employed in agriculture - - -	69
Families chiefly employed in trade, manufactures, and handicraft	102
Families not comprised in the above two classes, - -	60
Houses inhabited - - - - - - - -	198
Ditto uninhabited - - - - - - - -	2
The population of the entire town and liberties was then -	2833

There is no trade or commerce here beyond the retail of ordinary articles to the farmers and peasantry of the neighbourhood. The people of the town have no interest in, and derive no benefit from, the existence of the corporation, which appears to be kept up merely on account of the salaries paid to the officers.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held in Kilmallock on the 18th and 19th days of September 1833, and further examination of a witness had in Dublin on the 17th and 18th days of January 1834.

243

REPORT

ON

THE BOROUGH OF KINSALE.

CONTENTS.

	Page
Charters	75
Style	77
Limits	77
Classes	77
Sovereign	77
Patron	77
Burgesses	77
Freemen	78
Corporation, Number of Members of	78
Council	78
Court of D'Oyer Hundred	78
Change in Constitution of Corporation	79
Common Speaker	79
Officers of	79
The Recorder	79
The Town Clerk	79
The Clerk of the Crown	79
The Clerk of the Peace	79
Chamberlain	79
Serjeants at Mace	80
Serjeant of the Liberties	80
Water Bailiff	80
Gaoler	80
Weighmaster	80
Clerk of the Market	80
Toll Collector	80
Pound Keeper	80
Keeper of the Green	80
The Sessions Court	80
Fines in	80
Grand Jury	80
Petty Jury	80
Justices	81
Police	81
Court of Record	81
Court of Conscience	81
Gaol	81
School	82
Patronage	82
Income	82
Lands	82
Tolls	82
Harbour Dues	83
Ditto of Sovereign	83
Fairs	83
Expenditure	83
Law Costs	83
Debts	83
Charities	83
Statistical Details	83

BOROUGH OF KINSALE.

THE corporation of Kinsale seems to have existed by prescription.

1. The earliest Charter in the possession of the corporation is one bearing date the 10th of May, in the thirty-first year of the reign of Elizabeth, whereby it appears that a charter was granted on the 7th January, 7 Edward III. (A.D. 1334, 35.) CHARTERS.

That charter of Edward III. grants that the burgesses and commons of Kinsale may elect from amongst the burgesses, yearly, one honest burgess of the said town to be sovereign, and that he should have a mace carried before him; and that the custom of all customable things should be collected and received by the sovereign, in like manner as the mayor and commons of the city of Cork, from time to time, do collect and receive the like; and that such customs, when received, should be expended from time to time in repairing the walls of the said town, saving to his Majesty the custom of cocket; and that the accounts should be made before two honest and discreet burgesses, to be chosen from year to year by the commons of the town, and in default of the accounts being so taken, that they should be made before and taken by the Earl of Desmond for the time being, on behalf of the town, and not in the Exchequer. 7 Edward III.

It further grants that the sovereign should have full cognizance of all pleas, as well of the tenures of lands within the said town and liberties and suburbs thereof, as of trespass, covenants, debts, accounts, and other contracts whatsoever therein arising, to whatsoever sums they should amount, and the execution of the said pleas.

It also grants to the sovereign the assize of bread and custody, &c. of weights and measures, and all other things, to the office of clerk of the market and of measures and weights belonging, to the exclusion of any other clerk of the market or minister of his Majesty, and that the sovereign should have all jurisdictions belonging to the office of escheator, keeper of the peace, or admiral of the town or liberties thereof, to the exclusion of all other persons presuming to exercise those offices; and that all profits of forfeitures and escheats should be converted to the use of the town without any account to be rendered to the Exchequer.

It further grants that no foreign merchant should have authority to deal with any person within the said town, unless with such as are freemen; and that the sovereign and commonalty might once a year make as many freemen as they should think fit, and that the sovereign, burgesses, and commonalty should enjoy their franchises within certain specified limits, viz., from a rock called Bulman Rock and White Bay unto Inoshannane *in portu maris usque finem aquæ tam dulcis quam salæ;* and it gives power to the sovereign, burgesses, and commonalty, once a year, to assemble and make constitutions and ordinances for the government of the town.

That charter was recited in and ratified and confirmed by an Act of a Parliament, held at Limerick, in the 22 Edw. III., with a condition that two of the burgesses living in the town should be appointed, one by the Lord Coursey and the other by the town, who should see the customs, revenues, and profits of the town expended upon its walls and fortresses. 22 Edward III.

The above Act was exemplified by patent of the 15th February, 22 Edw. III. (A.D. 1348, 49); and the charter of Elizabeth contains an inspeximus of that exemplification.

By charter of the 28th January, 5 Rich. II. (A.D. 1381,) enrolled in Chancery, (Rot. Pat. 5 Ric. II. p. 1, m. 6, d.) the custody of the King's petty custom, arising from goods exported from the town, was committed to the provost and commons, to hold so long as the same custom should pertain to the King, according to a grant lately made in a Parliament held at Dublin, yielding ten marks yearly; and on the same roll (art. 193) the sheriff of Cork, collector of said custom, was commanded to permit the provost and commons to dispose of the said custom at their pleasure. 5 Richard II.

By a charter of the 23d May, 12 Rich. II. (A.D. 1389,) enrolled in Chancery, (Rot. Claus. 12 Ric. II. m. 22, d.) the King exonerated during pleasure the commons of Kinsale (the town being in the marches among the Irish enemies and English rebels) from attendance on wards, musters, and parliaments. 12 Richard II.

On a roll of Chancery, remaining in the Exchequer, (Rot. mem. ,) the Date of which is destroyed, is a grant to the provost, &c., for murage, of certain specified customs on goods for sale coming to the town, or to the port of Endelford, pertaining to it. Of uncertain Date.

The charter of Elizabeth, which does not appear on record, confirms all their former privileges, and regrants to them by the name of the sovereign and commons of the town of Kinsale, all lands, rents, tenements, and ecclesiastical advowsons, to the corporation or their parish church theretofore granted, with power to take and acquire other lands not exceeding in value £30 a year; and after stating the limits of their jurisdiction by sea and water, as granted by the charter of Edward, it grants that those limits should extend by water and sea one mile round, and on every part, beyond the extended limits and bounds. 31st Elizabeth.

It then shows distinctly the bounds by land, gives power to perambulate, and grants that all lands, &c., within the limits, and the residents therein, shall be under the government of the sovereign and other officers of Kinsale; and it grants power to them to appoint a customer, or

KINSALE.

collector of customs, who should be also searcher, examiner, and gauger in all ports, bays, and creeks, from the Old Head to the Dorseys, and should collect all customs within those limits, rendering an account to the Exchequer; and that the sovereign and commons should have all the jurisdiction, liberties, usages, and franchises, in all the said ports, creeks, and bays, which to the office of admiral or any other office doth belong, as they previously exercised, used, and enjoyed the same.

It further grants that the sovereign and recorder, associating to themselves two of the ancient burgesses, should be justices for the conservation of the peace and of gaol delivery, in all offences, (treasons declared by the 25th Edward III. only excepted,) so as to exclude the justices of the county of Cork, and all other justices; and that the sovereign and commons should have a gaol in the town, and that the serjeants at mace should act as sheriff in the borough sessions. It further grants a market on every Wednesday and Saturday, and a fair on St. Bartholomew's day and the three following days, the sovereign to be clerk of the market and governor of the fairs of the town, and to hold a Court of Pie Poudre.

This charter further granted the cocket of hides, and an annual rent of £3 6*s.* 8*d.* issuing out of Coursey's Country, vested in the Crown on the attainder of the Earl of Desmond, for a term of 31 years, to be expended on the fortifications of the town.

1 James I. A letter of James I. to the lord deputy and council of Ireland, dated 28th of October 1603, (enrolled in Chancery in Rot. Pat. 1 James I. p. 1, m. 29, d.) after reciting that after the forfeiture of the charters and privileges of Kinsale by reason of the Spaniard being there, their charter and ensigns were restored to the inhabitants by his Majesty's letters to the lord president of Munster, reserving, however, such franchises and privileges as might be found over large and immoderate, and that in particular all privileges granted to them in Coursey's Country by late charters were reserved, directed that the rent of five marks (£3 6*s.* 8*d.*) issuing out of Coursey's Country, which had been granted by the charter of 31 Elizabeth to the corporation of Kinsale, should be granted to the Lord Coursey and his heirs for ever.

7 James I. A charter granted by James I., dated on the 24th day of February, in the seventh year of his reign, 1608, 9, (enrolled Rot. Pat. 7 Jac. I. p. 3, m. 9, d. Rol. No. 16,) confirms to the sovereign and commons of Kinsale all their former privileges, whether enjoyed by prescription or by virtue of any letters patent, or of any Act of Parliament, or by any other lawful right or title; reserving, however, his petty customs of 3*d.* in the £1 on all merchandise imported or exported by any foreign merchant; and also, his great custom of cocket and also the custom of poundage, or the payment of 12*d.* in the £1 on all merchandise imported or exported, whether by native or foreign merchants; and also, saving all lands, tenements, &c., and all franchises, privileges, immunities, &c., of John Lord Coursey, within the said town and its franchises: provided also, that the said sovereign and commons should not enter or exercise any jurisdiction within his castle or fort of Castlepark, or the peninsula in which said fort was built, or exercise any jurisdiction within the port of Kinsale, or any bay or creek to the said fort belonging; but that full power in said port should remain in the constable of the said fort for the time being, any use, prohibition, or custom, or any other thing, cause, or matter to the contrary, notwithstanding.

The charter then grants power to the sovereign and commons to meet together and make bye-laws, and thereby to tax the inhabitants of said town and its liberties in reasonable sums for the expense of the walls of the said town, as it should to them seem expedient, so that same, however, should be expended for no private purpose whatsoever, but solely for the repairs of the walls; and, after reciting the calamities brought on said town by the occupation thereof by the Spaniards, it grants to said sovereign and commons an annual rent of £20 English, to be paid by the vice treasurer of Ireland out of the royal composition on the cantred of Kinnaleigh and Coursey's Country, for the use of the said sovereign and commons, and their successors, for the term of 21 years: provided always, that same should be applied to the advantage of the public, and not for any private purpose. It also grants two fairs, one to be held on Whitsun Monday and four days following, and the other on the feast of St. Simon and St. Jude, and four days following, with a Court of Pie Poudre, and all tolls, &c., reserving a rent of 10*s.* per year. These fairs are not now held.

8 James I. Another charter was granted by James I., bearing date the 3d of December, in the eighth year of his reign, 1609, (enrolled Rot. Pat. 8 Jac. I. p. 2, m. 25, d. No. 23,) which, with the exception of the grant of the fairs, which it omits, is almost in the same words as his charter of the former year.

19 James I. A charter of James I., bearing date the 1st of May, in the nineteenth year of his reign, (enrolled in Rot. Pat. 19 Jac. I. p. 1, m. 3, No. 63,) created in the town of Kinsale a corporation by the name of "The Mayor, Constables, and Society of Merchants of the Staple," and granted them very extensive privileges in the woollen trade, licensing them to buy and sell certain specified articles in all parts of Ireland, and in certain cities and towns in England, which were the staple markets for the sale thereof.

Charles I. A charter of Charles I., bearing date the 13th March, in the fourteenth year of his reign, (enrolled in Rot. Pat. 14 Car. I. p. 1, m. 16,) in consideration of £3 2*s.* and the rents, &c. granted to the corporation, by the title of "The Sovereign, Burgesses, and Commonalty of the Town of Kinsale," their heirs and assigns for ever, a certain parcel of land or common, called Dromderrig, (therein also called the Spital Land,) and all houses and edifices on certain premises lying on the north side of Kinsale, all being situate in the barony of Kinsale and county of Cork, to hold the first-mentioned premises of the King himself by knight service and the yearly rent of 12*s.* 10*d.*, and to hold the last-mentioned premises of the chief lords of that fee by the accustomed services, and paying 6*s.* per year to his Majesty, his heirs and

successors. The charter contains no more particular description of the premises conveyed, nor any direction as to the application of the profits.

James II. granted a charter to this town, by the style of "The Sovereign and Commons of the Town of Kinsale," bearing date the 15th day of February, in the fouth year of his reign, (enrolled Rot. Pat. 4 Jac. II. p. 3, m. 26.) This charter, like the other charters of that monarch, recited a seizure of the former franchises of the corporation into the King's hands by process in the Exchequer, and remodels the corporation altogether, in pursuance, as therein stated, of his letter of privy seal, dated at Windsor the 20th day of September, in the third year of his reign; but, like other such charters, has no operation. James II.

The last charter granted to the corporation is one of George I., bearing date the eighth day of March, in the eighth year of his reign, (Rot. Pat. 8 Geo. I. p. 2, m. 18.) It grants two fairs; one to be held on every 23d of April and two days following, and the other on the 11th of November and two days following. Those fairs are not now held. George I.

2. The Style of the corporation is, at present, "The Sovereign, Burgesses, and Commonalty of the Town of Kinsale." In the charters of Elizabeth, James I., and James II. it is styled, "The Sovereign and Commons of the Town of Kinsale." The present title was first used in the charter of Charles I., and was repeated in that of George I. In writs of parliamentary summonses and estreats of fines, of various dates, (48 Edward III., 18 Richard II., 28 Henry VI., 2 Elizabeth,) they appear to have borne the various styles of "Sovereign and Bailiffs," "Provost and Bailiffs," and "Sovereign and Provosts." Style.

3. The local Limits of the borough by land, as laid down by the charter of Elizabeth, are still observed, viz., "one mile and half from every part by land from the walls of the said town, and not further, namely, from the town aforesaid to the north part of the territory of Coolcarrin and Glaunknocknegeoll to the north, unto the old court of Glauntavilline and Courtafourteen, beyond the water and passage of Kinsale to the south, from Bellgowley and Prehane, on the east part, unto the church of Downderrow and the water of Glassheen on the west." But there is considerable difficulty as to the limits by water; the charter of Elizabeth says, in the first place, that their limits shall extend one mile by sea and water beyond the extended limits as given by the charter of Edward III., which were towards the sea from a certain rock called Bulman's Rock and White Bay unto Inoshannane *in portu maris usque finem aquæ tam dulcis quam salæ*. But, because in a subsequent part of the charter it gives the right of appointing certain revenue officers, and the jurisdiction of admiral over a great extent of coast, viz., "from the Old Head of Kinsale to the Dorseys, and that the sovereign and commons shall have and use all jurisdictions to the office of admiral or any other office belonging within these limits, as anciently used and enjoyed," the judges of the civil Record Court claim and actually exercise the right to seize goods in all ports, bays, and creeks, to a distance of 60 or 80 miles to the west of Kinsale, as far as the island of Dorsey, under the process of attachment from their court. We think that they mistake the jurisdiction thus granted by the charters over that extended line of coast; and that the process of the court only reaches by sea to a mile beyond Bulman's Rock and White Bay, according to the charter of Elizabeth. Limits.

4. The corporation is composed of a Sovereign, Burgesses, and Freemen. Classes.

5. The Sovereign is elected at a Court of D'Oyer Hundred, on the day appointed by the statute of Charles II. and "New Rules," from amongst the burgesses, and if he be approved of by the Lord Lieutenant and Privy Council, is sworn into office on the 29th of September. The same person has been elected for several successive years, which practice, in 1810, was decided by the Court of King's Bench to be legal, on a motion to show cause why a writ of *quo warranto* should not issue against the then sovereign. Sovereign.

6. The Patron of the borough was the late Lord De Clifford; he was always in his lifetime consulted as to the person to be appointed sovereign, and his wishes were always adopted: but since his death, about twelve months ago, his representatives have not interfered. Patron.

The Sovereign is a justice of the peace within the borough, and also of the county of Cork by charter. He holds a Court of Conscience and a Court of Record, and, with the recorder and two associate justices, the general sessions of oyer and terminer for the town and liberties. He is also coroner and billet-master in the town, and as head of the corporation presides in the Court of D'Oyer Hundred, and in the council, and convenes special meetings of both those bodies, and has the custody of one of the three keys of the chest in which the archives of the corporation are preserved. Sovereign, Duties of.

The Salary of the sovereign is £50 Irish per annum, and he has certain other emoluments, viz.: he is allowed £10 Irish per annum for attending the two assizes of the county: he is entitled during his year of office to draw on the chamberlain ten orders for 19*s.* 6*d.* each, being £9 15*s.* Irish, to reimburse himself for incidental expenses: he has certain fees in the Court of Record and Court of Conscience: he is entitled to a barrel of coals and barrel of salt, out of each cargo of those articles discharged at the port; to a certain portion of herrings, oysters, and fruit, brought from any place beyond the limits and sold in the town; and is permitted by the corporation to take to his own use the tolls of the annual fair of St. Bartholomew. Salary of. Emoluments of.

7. The number of Burgesses is unlimited, further than that they should not be less than 12. They are elected for life, at meetings of the council convened for the purpose. Their Privileges, in addition to those of freemen, are, that they are members of the council, and that the sovereign and two associate justices, called ancient burgesses, must be taken from their number. The only Qualification required in a person to be elected a burgess is, that he should be a freeman. They are sworn in at any subsequent Court of D'Oyer Hundred after their election, and pay the same Burgesses, Election of. Privileges of. Qualification of.

KINSALE.

fees as freemen to the town clerk, the two serjeants at mace, and the serjeant of the liberties. The patron of the borough, in his lifetime, was also consulted as to the persons to be elected burgesses, and his wishes adopted. A considerable degree of relationship prevails amongst them.

Freemen, Admission of.

8. All Freemen are now admitted by favour, and are elected at a council composed of the sovereign, burgesses, and common speaker, convened by special summons of the sovereign 24 hours before the time of holding the council. It requires 12 members at the least to form a council; no qualification of residence or otherwise is necessary; and the persons admitted were, during the life of the late Lord De Clifford, always nominated or approved of by him.

Privileges of.

Freemen are exempt from the payment of gateage tolls, and are all members of the Court of D'Oyer Hundred, and the burgesses must be chosen from amongst them. They elect a common speaker from their own body to represent them in the council, and being resident within seven miles, and duly registered, are entitled to vote at elections for the Member of Parliament for the borough.

Fees of.

The Fees payable by persons on admission are £1 1*s.* to the town clerk, 5*s.* to the first serjeant at mace, 2*s.* 6*d.* to the second serjeant at mace, and 2*s.* 6*d.* to the serjeant of the liberties. They also pay the stamp duty.

Freemen formerly of Right.

Though Freemen are now admitted only by grace, it appears, by entries in the corporation books, that apprentices of freemen and sons of freemen were formerly admitted, of Right, to the freedom of the town. Those rights appear also to be confirmed by bye-laws, enacted in the year 1659, and it also appears by them that the sovereign, during his year of office, was entitled to nominate one person to the freedom. These bye-laws were repealed by a subsequent one of the 1st October 1733, yet these rights continued to be recognised with occasional interruptions until the 2d October 1749, when a bye-law was passed enacting that none should be admitted to the freedom but those approved of by the council. In the year 1804 it was attempted to establish the freedom by right in the eldest sons of freemen, proceedings were taken at law to enforce an admission, and one case was brought to trial. The jury, however, could not agree, a juror was withdrawn by consent, and the question has not been brought to a second trial. Lord De Clifford paid the costs of defending this suit, as well as of resisting the order for the *quo warranto* to try the right of the re-election of the sovereign hereinbefore mentioned.

Corporation, Members of.

9. The Corporation at present consists of 63 persons, of whom 29 are burgesses, and 34 are freemen: of the burgesses 14, and of the freemen 16, are resident in the town; 4 more of the burgesses, and 7 of the freemen, are resident out of the town, but within 7 statute miles of it; the other 11 burgesses and 11 freemen are resident at a greater distance than 7 statute miles. Of the whole 63 there is only one Roman Catholic, who was admitted in October 1831.

Election of 1831.

At the Election of freemen in October 1831, 89 persons were admitted to the freedom, of whom 14 were Roman Catholics, and the rest Protestants. It is admitted that this extensive addition to the corporation was intended as a counterpoise to the Reform Bill then in progress. All the Roman Catholics admitted on that day had houses in the town of sufficient value to confer the household franchise; of the Protestants 49 had not; and had the persons so admitted thus acquired the franchise, a considerable addition to the political strength of this party in the town would have been thus obtained; but the Reform Bill, which subsequently passed, having confined the right of voting in honorary freemen to such as had been admitted prior to March 1831, the object was defeated, and in consequence none of this large number then admitted took the oaths, except one, who is the single Roman Catholic member of the corporation above mentioned.

Council.

10. The Council consists of the sovereign, common speaker, and burgesses; and it has now, according to the bye-law of 1749, the exclusive power of electing burgesses and freemen. Though it appears by some entries in the books of the corporation of the election of persons styled "Counsellors," that some such body as the council existed at an early period, there is no trace of its proceedings as a distinct body until the year 1687, when, in fact, the charter of the corporation was either abrogated, or on the point of being so, by proceedings in the Court of Exchequer, and when it appears by a recital in the charter of James II. to have been acting under the letter for the granting of his charter. There are two entries of that year, one regulating the mode of deciding questions in the council, and the other enacting, that no person should be admitted to the freedom but by the major part of the council; but though the records are perfect from 1653, these are the only entries in which the acts of the council are detailed, until the 5th of September 1723, when the council appears by an entry of that date to have admitted a number of persons to the freedom of its own authority, and a sovereign appears to have done the same on the 8th of September 1725. These irregularities were occasionally repeated until the 3d of October 1726, when by a resolution of the Court of D'Oyer Hundred, the exclusive right of that court to the election of freemen, pursuant to the law of the 24th of October 1659, was confirmed. A struggle appears to have continued between the council and the Court of D'Oyer Hundred, from that time until the 30th of September 1734, when by a bye-law confirmed in the Court of D'Oyer Hundred, the exclusive right of the council to elect burgesses and freemen was established, and such right has continued to be exercised by them exclusively up to the present time.

Court of D'Oyer Hundred.

11. The Court of D'Oyer Hundred is a meeting of all the members of the corporation. It assembles on the Monday after every 29th of September; 24 members of the court are previously summoned by the sovereign to form the grand jury of the court, which may consist of any number from 13 to 23 inclusive, and on that day the grand jury is sworn in; the court then adjourns from week to week. All the business of the court is transacted, in form, by being presented by the grand jury in their private room, and subsequently confirmed in the Court of D'Oyer Hundred. When a presentment is made, any freeman can traverse it; and if this is done, the traverse is entered on the book and is tried by the whole Court of D'Oyer Hundred, held on the eighth

subsequent day. It is then either confirmed or rejected by a majority of the court. By this body, so constituted, all corporate acts, except the election of burgesses and freemen, are transacted. The court is open to the public. The foreman of the grand jury has the custody of one of the three keys of the corporation chest.

Change in the Constitution of the Corporation.

12. It is evident from what has been stated of the early constitution of this corporation, that it was based on popular principles. The Court of D'Oyer Hundred, being an assembly of the freemen at large, possessed the power of admitting freemen and electing burgesses and other corporate officers, and through the medium of its grand jury, of performing all corporate acts, and the sons and apprentices of freemen were entitled to be admitted as of right; but the bye-laws of 1734 and 1749 destroyed this popular constitution by taking away all rights of admission to the freedom, and vesting the power of making freemen and electing burgesses in the council, a select body, composed of the sovereign, burgesses, and common speaker only. The effect of this change was, that the corporation soon after became closed against all persons but the nominees of an individual, and dissatisfaction and jealousy have been generated amongst the inhabitants of the town, who are excluded from it.

Common Speaker.

13. The Common Speaker is elected annually at the Court of D'Oyer Hundred, held on the first Monday after Michaelmas. He represents the freemen in the council. The same obscurity exists as to the origin of this office as with respect to the council; he has no emoluments.

Officers.

14. The other Officers of the corporation, besides the Sovereign and Common Speaker, are—

The Recorder,
The Clerk of the Crown,
The Town Clerk,
The Clerk of the Peace,
The Chamberlain,
The Secretary to the Grand Jury,
Two Serjeants at Mace,
The Water Bailiff,
The Serjeant of the Liberties,
The Beadle,
The Pound Keeper,
The Gaoler,
The Weighmaster,
The Toll Collector,
The Keeper of the Green.

The Recorder, Election of.

15. The Recorder is elected for life in the Court of D'Oyer Hundred, and must be a barrister of three years' standing, under a local Act, the 49 Geo. III. c. 76. He is a justice of the peace within the borough, and is one of the judges of the Sessions Court. He is empowered also under that Act to hold the Court of Record with or without the sovereign. His Salary is 20 guineas per annum. He is entitled to Fees in the Court of Record, but in practice permits them to be taken by the sovereign. The present recorder is a practising barrister, residing in Dublin; he attends the sessions when he is informed there is business to be done, and had occasion to attend only once previous to our inquiry from the time he was sworn into office, in September 1832.

Salary of.

Fees of.

Town Clerk.

16. The Town Clerk is elected for life. He is also clerk of the Crown and clerk of the peace for the town and liberties, and clerk of the Court of Conscience. He attends and records the proceedings at inquests held before the sovereign as coroner, and is attorney and solicitor of the corporation. His Duties as town clerk are to attend the meetings of the Court of D'Oyer Hundred and council, and to record their proceedings; he is also officer of the Record Court. His duties as Clerk of the Crown and clerk of the peace are the ordinary duties of such officers. As town clerk, he has the custody of the current council book and presentment book of the Court of D'Oyer Hundred, and also of all the records of the Court of Record, and of the books of the Court of Conscience. As Clerk of the Peace, he has the custody of the records of the Sessions Court of the town, and he holds also, as town clerk, one of the three keys of the chest in which the archives of the corporation are preserved. The Salary of the town clerk is 24 guineas per annum. He has Fees in the Court of Record, Quarter Sessions Court, and Court of Conscience, and on the admission of attorneys to practise in these courts; also on the admission of freemen, and on the promotion of freemen to the office of burgess; on the granting of pawnbrokers' licences and for attending the sovereign as coroner: these last are paid by the corporation. He has also fees for registering each baker, pursuant to the local Act. As clerk of the Crown and peace, he is entitled to £50 Irish per annum, presented half-yearly by the grand jury of the county of Cork under the provisions of the 4 Geo. IV. c. 43, as compensation for the loss of fees. Before the passing of the Reform Act, he was paid 10 guineas at elections by the Member returned to serve in Parliament for the borough, for preparing the indentures; but this duty was on the last election performed by the subsheriff of the county. The whole of his emoluments, on an average of three years ending in 1832, amounted to £105 4*s.* 3½*d.* per annum.

Duties of.

Clerk of the Crown.

Clerk of Peace.

Salary of.

Fees of.

Chamberlain.

17. The Chamberlain is elected annually in the Court of D'Oyer Hundred. But the same person is re-elected to the office during life, and is always a member of the corporation. His Duty is to receive the corporation revenues, and he is paid by retaining 5 per cent. on the amount of his receipts. The present chamberlain is also secretary of the Court of D'Oyer Hundred grand jury, for which he has a Salary of two guineas a year.

Duties of.

Salary of.

Accounts, Audit of.

The Accounts of the chamberlain are made up annually to the 29th of September; and at the meeting of the Court of D'Oyer Hundred, on the first Monday after that day, a committee of auditors, consisting of five, is appointed to examine the accounts, and vouch them. They

KINSALE.

proceed to perform this duty under a precept issued to them by the sovereign, which directs them to call upon the town clerk for his charge against the chamberlain, and also for the accounts, receipts, and disbursements of the chamberlain, and to examine the said accounts, and return the same, when audited, to him in the next Court of D'Oyer Hundred, after they shall have been audited. No audit of the accounts has taken place since the year 1816. A committee of auditors was appointed in 1828, and the accounts from 1816 to 1828 were submitted to them; they called for the charge of the town clerk against the chamberlain, pursuant to the precept, but this he declined to furnish, and thereupon the majority of the auditors refused to proceed with the examination of the accounts. On three or four occasions since that period auditors were appointed, but no audit was perfected, the town clerk still declining to furnish the charge, and the auditors refusing to proceed to audit without it. We examined the books and documents in the possession of the town clerk, and found that he had it in his power to furnish the sums receivable by the chamberlain; but we are of opinion that his refusal proceeded from a misapprehension on his part as to his duty in this respect, and that the accounts of the chamberlain, though not regularly audited, are perfectly correct.

Serjeants at Mace.

Duties of.

18. The two Serjeants at Mace and the serjeant of the liberties are appointed annually by presentment of the Court of D'Oyer Hundred, but the same persons are generally re-elected and continue in office for life. These three officers have the execution of all writs and orders which are to be executed on land, and the service of all summonses issuing from the Court of Record. They are peace-officers within the limits of the borough, and as such execute such warrants of the justices as are directed to them. The two serjeants at mace summon all juries and do the other ordinary duties of sheriff in the local courts; writs of inquiry are proceeded on before them.

Salaries of.

Fees of.

The Salary of the first serjeant at mace is £12 12*s.*; of the second, £10; and of the serjeant of the liberties, £8 per annum. They have, in addition, Fees on the admission of freemen and on the election of burgesses, and fees in the Court of Record.

Water Bailiff.

19. The Water Bailiff is the person who farms the harbour dues and collects them; he is also the officer who executes writs of the Court of Record, on the water. His emoluments consist of whatever he can make of the harbour dues above the rent he pays for them, and certain fees on the execution of the writs.

A copy of the docket of the harbour dues is annexed.

Other Officers.

20. The gaoler, weighmaster, clerk of the market, toll collector, pound keeper, and keeper of the green, are all appointed in like manner by the Court of D'Oyer Hundred. No beadle has, in fact, been appointed since 1826. The gaoler has a salary of £20 per annum paid by the corporation, and takes certain fees specified in the local Act on the committal of debtors. The offices of clerk of the market and toll collector are filled by the same person; he formerly had a salary of £15 per annum for each office, which was reduced to £10 for each office during our inquiry. He formerly also collected the shambles' rent, and received for so doing a salary of £20 per annum, being about £20 per cent. on the receipts.

The same person is also clerk to the charitable loan fund, (of which hereafter,) for which he has a salary of £25 per annum.

Sessions Court.

21. The Sessions Court is held before the sovereign and recorder, and two associate justices, selected by the town clerk from the ancient burgesses. The town clerk, in selecting the two associate justices, takes the two senior burgesses who have served the office of sovereign, if prepared to act; if not, the two senior burgesses who have not served the office. The precept for holding the sessions is always signed by the four justices, and is directed to the town clerk, and issued a sufficient time to allow of 14 days' notice being given of the sessions. The presence of the four justices is considered necessary to the due holding of a sessions, though some of them occasionally absent themselves; business, however, is not proceeded with in the absence of the recorder. The court generally sits twice a year; it has jurisdiction, by charter, in all criminal offences, treasons under the statute of Edward III. only excepted, and the jurisdiction of the county justices is excluded. The offences usually tried are larcenies, assaults, and other misdemeanours; some years ago cases of nuisance for the erection of weirs on the river were tried in this court. The sentences usually awarded are fine, imprisonment, and whipping; and in one instance, at the May sessions of 1831, a convict was transported.

Fines in, Disposal of.

22. Fines, whether imposed as punishments on conviction or for contempt, are estreated into the Court of D'Oyer Hundred, where the grand jury either present the whole or part of such fines to be levied, or remit them altogether. They are levied by warrant under the hand and seal of the sovereign, directed to the serjeants at mace, and when levied are paid to the town clerk, who hands them over to the chamberlain to be applied, under the 49 Geo. III. c. 76, to the repair of the streets, and a separate account is kept of their application.

Grand Jury.

23. The Grand Jury of the Sessions is summoned by the serjeants at mace. It is a subject of complaint amongst the Roman Catholic inhabitants of the town, that gentlemen unconnected by property with it are put on this jury, while several Catholic inhabitants of equal respectability are left off. But one Roman Catholic gentleman has been put on the jury for the last four or five sessions, and he has no property within the limits but his house. In every respect, except the selection of this jury, the administration of justice in this court gives satisfaction.

Petty Jury.

24. The Petty Jury appear to be taken without any distinction from the second class of the inhabitants, and a market jury is also sworn at each sessions, which formerly performed its duties with punctuality and zeal. The present jury have, however, declined to act, in consequence of their having supposed that the recorder had given an opinion that they were not authorized to examine bread brought into the town by a baker from the neighbouring town of Innishannon.

KINSALE.

Justices.

25. The sovereign is the only resident charter Justice, the recorder being absent in Dublin, and the functions of the two associate justices being confined to presiding on the bench during each sessions, and ceasing therewith. This is the construction given by the corporation to the clause in the charter of Elizabeth relating to them, though it is questionable whether that charter does not authorize the sovereign and recorder to appoint the two associate justices for all purposes of conservation of the peace. In consequence of inconvenience arising from there being only one resident magistrate for the town and liberties, the Lord Lieutenant, under the provisions of the 7 Geo. IV. c. 61, caused one additional magistrate to be appointed. The selection was not calculated, however, to secure the intended object, as it fell on a gentleman who has filled the office of sovereign almost every alternate year for more than 20 years last past. In cases of summary proceedings, in which the presence of two justices is necessary, the sovereign has recourse to the extraordinary practice of calling in a county magistrate to his assistance, and they, together, hear and determine cases arising within the limits, which are alone cognizable by two borough justices. There are no fixed days of sitting. The fines imposed by the justices, when acting summarily, are paid to the county infirmary.

Police.

26. The only Police force, or peace officers, under the control of the sovereign, or other magistrates of the town and liberties, as such, are the two serjeants at mace, and the serjeant of the liberties. The county constabulary, of which a chief constable and party is stationed in the town, were in the habit of acting under the orders of the borough magistrates until the month of June last, when they were withdrawn from their control by directions of Government. A correspondence in consequence took place between the sovereign of the town and the under secretary for Ireland, which terminated by instructions being given to the chief constable to afford the aid of the police on proper occasions when the local authorities might be insufficient for the purpose, to execute warrants for the arrest of persons charged with, or convicted of criminal offences; and since that time such aid has been afforded when required.

Court of Record.

27. A Court of Record in civil pleas is held before the sovereign, or his deputy, and the recorder, or his deputy, or either of them. The sovereign is the only judge of this court by charter, but the local Act, before referred to, authorizes the recorder or his deputy, or both, being barristers of three years' standing, to sit as judges with the sovereign and take all affidavits in the court; and the Act further empowers the court so constituted, to adjourn from day to day, or to any day it may think fit. The Act, however, saves the right of the sovereign to hold the court without the recorder, as he was before accustomed to do. This court sits on Wednesdays, when business is to be done, and exercises jurisdiction in all personal actions, to an unlimited amount, arising within the limits, or when the defendant is resident within the jurisdiction.

Jurisdiction of.

This court sometimes issues its Process over a line of coast extending more than 60 miles from Kinsale, under a mistaken interpretation, as we think, of the charter of Elizabeth, before-mentioned.

Process in.

Actions are commenced in it either by serviceable writ, arrest of the person, or attachment of goods. In all cases an affidavit must be made that the cause of action arose, or that the defendant resides within the Jurisdiction. Either is considered sufficient. No arrest now takes place unless the debt is sworn to be £20 or upwards, and no attachment issues without an affidavit of the debt being due. A case, whether defended or not, takes about five weeks before execution can be had.

Costs in.

The Costs between party and party up to, and inclusive of, issuing execution:

In cases in which a writ of inquiry is sped, vary from - -	£8 to £10
When trial is had, from - - - - -	£12 to £15
When judgment is entered on bond and warrant of attorney, from	£4 to £5

We annex a docket of the taxed costs.

Causes in.

For the last 10 years the number of Actions commenced in this court was 55, of which 19 were by writ against the body, 35 by attachment against the goods, and one by serviceable writ. Two cases only came to trial within the last 19 years, and the recorder on both occasions sat with the sovereign. Writs of inquiry are sped before the serjeants at mace, who are taken from a class of persons not fitted for this duty; they have also the summoning of the juries. The mode of administering justice in this court by the judges gives satisfaction, but the amount of the costs are a subject of complaint. No attorney can practice without being specially admitted, on which he pays £20 stamp duty, and a fee of two guineas to the town clerk. None are admitted but attorneys of the superior courts.

Court of Conscience.

28. The Court of Conscience is held before the sovereign on every Wednesday. It has jurisdiction to 40*s.* Irish, under a provision of the local Act before referred to, the jurisdiction, previously, being under 20*s.* The proceedings are commenced by summons, which must be served within the town or liberties, and the parties may both be examined. Decrees are sometimes made on the oath of the plaintiff alone. The number of summonses issued in this court was, for the three years ending in 1832, as follows:

In 1830 - - - -	296
In 1831 - - - -	279
In 1832 - - - -	277

The warrants are directed to the serjeants at mace and the serjeant of the liberties. The costs in this court seem excessive, considering the smallness of the sum to be recovered. A schedule of them is given in the Act; they vary, according to the circumstances, from 5*s.* to 10*s.* or thereabouts.

Gaol.

29. There is a borough Gaol, the site of which was given to the corporation by a Mr. Kearney, in the year 1791, together with £10 per annum charged on land for keeping it in

KINSALE.

repair. The corporation in that year expended £289 in fitting it up as a gaol, and in the year 1826, a further sum of £433 13*s.* 8*d.* was laid out in making certain alterations required by Government. Of this sum £200 was a gift from the late Lord De Clifford, and the balance was provided by the corporation. It is in good repair and sufficiently commodious. The prisoners confined in it are, 1st, persons committed for trial at the borough sessions; 2d, persons sentenced at those sessions to imprisonment; 3d, debtors arrested by process from the Borough Civil Court; and 4th, soldiers under sentence of courts martial. There is no fund for the maintenance of persons confined there, but food is supplied at the expense of the corporation to persons who are altogether destitute.

School.

30. There is a School in the town, which is endowed with, in addition to the house and premises, an annual sum of £30 Irish, charged on the estates of Lord De Clifford. The appointment of the master was in the late Lord De Clifford and his heirs male, subject to the approval of the corporation; but the late Lord De Clifford having left no heirs male, the appointment has vested in the corporation, who exercised it in April last on the resignation of the late master, who was superannuated on a pension out of the corporation funds of £20 per annum for seven years. There is no condition of any kind annexed to the grant, nor is it provided that the master or pupils should be of any particular religion. The present master is a clergyman of the Established Church, and educates all boys without distinction. None are free. The founder also covenanted to keep the house in repair, but latterly a difference has arisen between the corporation and the representatives of Lord De Clifford, as to the extent of the repairs which they are bound to perform.

Patronage.

31. The appointment to this school is now the only Patronage possessed by the corporation; it is said that they were formerly entitled to every fourth presentation to the living of Ringrone; and it appears by an entry in the corporation books, bearing date in the year 1663, that they actually presented to the living in that year. It is believed that the corporation made over their right to this advowson to the late Lord De Clifford, in consideration of his endowment of the school above mentioned.

Income.

32. The Income of the corporation is derived, 1st, from rents of lands and houses; 2d, from the tolls, water-bailiff's, or harbour dues, and shambles and pound rents; and 3d, from fines imposed by the authorities. The income arising from rents of lands and houses, including the rent-charges for the gaol and school before mentioned, amounts, exclusive of head rents, to £196 18*s.* 1¾*d.* British, per annum. The tolls, harbour dues, and shambles and pound rents vary each year. They amounted,

	£	*s.*	*d.*
in the year 1828, to	416	4	9
1829	423	15	10
1830	397	7	8½
1831	289	1	4
1832	256	4	3

Letting of Lands.

33. The Lettings of the corporation property are made by open auction in the Court of D'Oyer Hundred, pursuant to presentment of the grand jury of that court, and in modern times have all been made for the full value. The tenants hold either by fee farm grants, or leases or agreements for terms of years, of which the shortest has now 84 years to run. The principal part of the corporation property (Dromderrig) is held by the representatives of the late Lord De Clifford, under two fee farm grants of very old dates, one in the year 1668, of 140 acres at £60 a-year, and the other in the year 1675, of one acre at 30*s.* a-year. These grants were made to Robert Southwell, the ancestor of Lord De Clifford, and are recited in the charter of James II. which purports to confirm them. The fee farm rent payable to the corporation is £61 10*s.* Irish, and the premises now produce to the representatives of Lord De Clifford about £500 per annum.

Tolls.

34. In the years 1828 and 1829, the Tolls and harbour dues were farmed, but the corporation have since taken the collection of them into their own hands. The principal reason given for this change was the opposition given to their collection, and the complaints made of the conduct of the renters. The corporation were on this account anxious to have the persons engaged in such collection under their immediate control.

The tolls are of three kinds: 1st, the gateage tolls; 2d, market tolls; 3d, small tolls payable to the corporation out of the milk, egg, butter, salt fish, poultry, and vegetable markets. The gateage and principal market tolls, when rented, produced about £240 per annum, but since the corporation has taken the collection to themselves they produced in the year ending 11th of October 1831 only £171 11*s.*, and in the succeeding year but £139 10*s.* 6*d.*, exclusive of the expense of collection.

The gateage tolls are collected every day on all things coming into the town, except fuel, even on the trunks of passengers containing their wearing apparel, and on the furniture of persons removing into the town from the liberties. This charge on the goods of passengers is collected only when brought on carts or cars. The vehicles of the wealthier classes are permitted to pass free. It is also charged on the produce of farms situate within the liberties, when coming into the town to be sold, and such produce then pays both the gateage and market tolls. It is not charged on the produce of such farms when brought into the owners to be consumed by them, but this exemption has only been since the tolls have been in the collection of the corporation. In fact, this toll is the cause of great and well-founded dissatisfaction, and appears to us to be levied on several articles in violation of the statute of 4 Anne, c. 8.

The market tolls are levied on every thing sold in the markets, or landed at the principal quay or landing place of the port. A toll of one penny on each standing is also collected in the square in front of the market house, and is paid for such standings every day in the week,

whether the persons sell or not. Potatoes, as well as other articles, pay both the gateage and market tolls.

The small market dues are taken on milk, butter, eggs, salt fish, poultry, and vegetables. The market tolls are taken on every day of the week, though the charter grants only two market days, Wednesdays and Saturdays, and does not contain any grant of market tolls.

35. The harbour Dues consist of payments made by all ships coming into the port, except those belonging to it, for anchorage, keelage, and ballast, and also of a portion of each cargo of salt, coals, fish, oysters, and fruit. These dues have been let for nine years for £30 per annum, but only one half of that sum is the property of the corporation, the other half belonging to the representatives of a person of the name of Brown, who had also a patent granting him those dues, and the corporation and persons entitled under his patent seem to have compromised the matter by dividing the receipts. Dues.

36. The Sovereign receives to his own use the like Dues on coals, salt fish, and fruit, as the water bailiff receives on those articles for the corporation and the representatives of Brown. These port charges were granted for the repair of the walls, which are not now in existence; and there is latterly considerable opposition on the part of the merchants to their collection. Sovereign Dues.

37. The Fair of Saint Bartholomew is held in the liberties within about one mile and a half of the town. Tolls are taken at this fair, although the charter of Elizabeth, under which it is held, contains no grant of toll. They are collected for the sovereign as a perquisite, and amount to about £15 per annum. The fair toll, though higher than the market toll, is charged, on the fair day, on every thing sold in the town, as well as where the fair is actually held. Fair, Tolls of.

The net rents of the shambles and pound vary from £100 to £110 per annum.

The Income derived from these several sources received by the corporation has varied between £500 and £600 per annum for the last few years. Income, Amount of.

38. The permanent annual Disbursements, consisting of salaries of officers, interest on a debt due by them, and the salary of the master of the endowed school, amount to about £360 per annum; the surplus is applied in the repairs of markets, and occasionally of the streets, and in law costs. Expenditure.

39. The Costs of obtaining the local Act amounted to £1149 15*s.* 5½*d.*, and the corporation paid, in the year, 1811, £111 9*s.* 6*d.*, being the costs of a criminal information, which arose out of the *quo warranto* proceedings mentioned in a former part of this Report. Costs at Law and of local Act.

The Fines imposed under the local Act are laid out in the repair of the streets by presentment of the Court of D'Oyer Hundred grand jury: they amounted, in 1830, to £36 2*s.*; in 1831, to £11 4*s.*; in 1832, to £10 6*s.* 6*d.* Fines, Disposal of.

40. The Debt of the corporation amounts to £1933 1*s.* 6*d.* It is secured by their bonds, and the greater part of it pays 5 per cent. interest, and the rest 4 per cent. Some of it is of old standing. A portion of it was incurred within a few years in the fitting up of the gaol, and in paying for standard weights and measures, but the greater part was occasioned by the expense of obtaining the local Act in 1809. Debt.

41. There is no endowment in the town or liberties for the support of poor persons. An almshouse for eight widows was supported by Lord De Clifford in his lifetime, who paid £38 8*s.* per annum for the purpose; but this was represented to us as a voluntary charity on the part of his lordship, and though the houses are still occupied, the stipend has been discontinued since his death. There is a fund vested in trustees amounting to nearly £700, which was raised by voluntary subscriptions, and is lent out in small sums to poor persons to be repaid by instalments, every three weeks, for six months, with 6 per cent. interest on the whole sum for the six months; and there is also a small charitable bequest for the use of the poor, which is now in the hands of a former rector of the parish, and which the churchwardens are taking steps to render available. There is a fever hospital and a dispensary in the town supported by voluntary subscriptions and county presentment. Charities.

42. The Population of the Town, according to the census of 1831, was 7312; of whom 3148 were males, and 4164 females; that of the liberties, 7100: total, 14,412. The population within the limits of the borough, as settled under the Boundary Act, for the purpose of representation, is 8126. The number of houses in the town was, in 1831—inhabited, 967; uninhabited, 66. The number of houses reported by the boundary commissioners as of £10 annual value was 366; yet the number both of householders and freemen registered under the Reform Act is only 203. The principal support of the inhabitants is derived from the fishery. Population and State of Town.

There were in 1831:

Of families chiefly supported by agriculture - -	17
Ditto in trade, manufacture, and handicraft - -	470
Ditto not comprised in the above classes - -	1040

The town was represented to us to have improved in appearance within the last 30 years, and the shipping belonging to the port to have increased, though no improvement has taken place in the trade. The increase of the shipping was attributed to the American trade, and to an increased consumption of coals. There is great inconvenience felt by the fishermen and merchants from there being no public quay at which they can land their goods. Such accommodation would be of great advantage. There are private quays, at some of which, it is said, the public have a right to land their goods on paying certain charges; and there are some slips free to the public, but a principal one has been recently taken possession of by a member of the corporation for his private use, to the great inconvenience of the public. The erection of a bridge over the river Bandon, at the ferry opposite Ringrone, is anxiously desired by all classes of the inhabitants, as calculated to improve the town by opening a land communication with a

KINSALE.

considerable district of country, the inhabitants of which can now bring their produce to Kinsale only by water.

Water.

Though an abundant supply of fresh Water could be procured for the town at small expense, yet the only public accommodation in this respect is furnished by a single pump, and great inconvenience is sustained in consequence by the poor.

Barony.

The town and liberties of Kinsale are a Barony of the county of Cork, and pay one fifty-second part of the assessment on the county at large. Until lately they paid a one thirty-seventh part. The inhabitants complain that the only benefit they receive in return is a presentment for the fever hospital and dispensary.

The only local Act is the 49 Geo. III. c. 76.

We annex copies of the following Documents, viz.

1. Copy of Bye-Laws and Entries extracted from Books.
2. Bye-Laws made to carry the Objects of the local Act into effect.
3. Rental of Corporation Lands and Houses.
4. Produce of Tolls and Pound each Year from 1825.
5. Docket of Clerk of the Market's Dues.
6. Docket of Gateage Tolls.
7. Docket of small Market Dues.
8. Docket of Water Bailiff's Dues.
9. Taxed Costs of the different Proceedings in the Court of Record.
10. Fees payable to the Town Clerk in said Court.
11. Schedule of Costs in the Court of Conscience.
12. Docket of Fees, Dues, and Perquisites, belonging to the Sovereign.
13. Docket of Charges at one of the Public Quays.
14. Chamberlain's Account Current for 1833.
15. Statement of fixed Annual Expenditure.
16. Statement of Town Clerk's Emoluments for three Years, 1830, 1831, and 1832.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry commenced on the 28th day of September, and terminated on the 3d day of October 1833.

285

REPORT

ON

THE BOROUGH OF LISMORE.

CONTENTS.

	Page
Charter	87
Corporation, not in existence	87
Compensation	87
Seneschal of Manor	87
Court of	87
Fairs and Markets	87
School	87
Statistical Details	88

BOROUGH OF LISMORE.

1. LISMORE is one of those boroughs which enjoyed the right of returning Members to the Irish Parliament previously to the Union; and a Charter of the 6th May, 11 James I., (A. D. 1613,) enrolled in Chancery, (Rot. Pat. 11 Jac. I. p. 1. m. 42,) granted that the town of Lismore, and all lands, &c. within one mile and a half English round the parish church should be a free borough; and that there should be therein a corporation, consisting of a portreeve, burgesses, not less than 13 nor more than 24 in number, and a commonalty; and gave power to the portreeve, free burgesses, and the greater part of the commonalty, then resident, to choose and send two Members to Parliament; and directed that the sheriff of the county of Waterford, whenever he received a writ for the election of burgesses of the Parliament for the county of Waterford, should make his precept to the portreeve and free burgesses of the borough of Lismore. CHARTER.

The charter further granted, that all the inhabitants of the borough, and of the liberties and precincts thereof, and so many and such other persons as should, from time to time, be admitted into the freedom of the borough, should be of the commonalty thereof.

It provided for the election of portreeve and burgesses, by directing that the portreeve and burgesses should assemble annually, on the Feast of Saint James, and should nominate three of the burgesses, to stand in election for the office of portreeve for the ensuing year; and should present the names of such persons to Sir Richard Boyle, his heirs and assigns, lord of the manor of Lismore, who should nominate one from amongst the three to be portreeve for the year next ensuing, and thence until another portreeve should be appointed and chosen; and that, in case of the death of a burgess, the portreeve and the rest of the burgesses should elect one of the sufficientest of the inhabitants of the town to fill the vacancy, taking the advice of the lord of the manor in so doing. The charter also provides for the appointment of a recorder, and makes him and the portreeve justices of the peace within the borough, and authorizes them to hold a Court of Record, and to entertain pleas therein in all actions personal, not exceeding £20 Irish, arising within the borough.

2. This charter, like that of the neighbouring town of Tallagh, appears to have been procured by Sir Richard Boyle, first Earl of Cork, with a view of establishing a corporation in the town; but whether he ever acted upon it, or there was at any time a corporation in existence in the town, is not now known. No existing CORPORATION.

The oldest inhabitants have no recollection of having heard of any corporate officers in the borough; and if a corporation ever existed, it must have become extinct at a very early period, as the right to elect and return Members to Parliament, which, by the provisions of the charter, was conferred upon the portreeve, burgesses, and commonalty, was for a very long time antecedent to the Union exercised by the resident freeholders and householders of the borough; and the seneschal of the manor of Lismore, in which the borough is situate, acted as the returning officer; yet, the borough is not coextensive with the manor. How the transfer of the elective franchise, if it ever existed in a corporation in the town, was accomplished, or in what manner a change so remarkable was produced, we were unable to discover. Lismore, however, is not a singular instance of such a state of things; in Tallagh a change nearly similar occurred; and in several other boroughs, both in the counties of Cork and Waterford, we found that the freeholders or householders of that part of the manor within the borough limits, or both, enjoyed the elective franchise, which had been by charters conferred upon corporations within the respective towns.

3. The Duke of Devonshire, as descendant of Sir Richard Boyle, is now lord of the manor of Lismore, and a sum of £15,000 as Compensation, when, by the Act of Union, the right of the borough to return Members to Parliament was taken away, was paid to a trustee, to the use of the late duke and others, entitled under the will of the late Earl of Cork and Burlington. Union Compensation.

4. The lord of the manor appoints a Seneschal, who holds a Manor Court in the town, on every third Wednesday, in which he exercises jurisdiction to the amount of 40*s.* Irish only. The proceedings are by civil bill, and according to the provisions of the Acts for regulating Manor Courts. Seneschal of Manor. His Court.

5. A patent was granted to Sir Richard Boyle to hold two Fairs in the town annually, one on the Feast of Pentecost, and the other on Saint Valentine's day, with the usual tolls and customs; but the Duke of Devonshire does not now collect tolls in this or any other town, to the tolls of which he is entitled. FAIRS and MARKETS.

6. There is a classical School in the town, which was endowed, by the Earl of Cork, with a house and £30 a year. The house has been within a few years nearly rebuilt by the Duke of Devonshire; and a very competent gentleman, a clergyman of the Established Church, has been appointed by his grace to conduct it. All boys, without distinction of religion, are Endowed School.

LISMORE.

received; but no condition of educating persons gratis is required from the master. We visited this establishment, and it appeared to us to be most creditably conducted.

STATISTICAL DETAILS.

7. The following Table shows the population and state of the town in the year 1831:

Population: males 1363; females 1531. Total, 2894.

Occupation, viz.

Families chiefly employed in agriculture - - -	66
Ditto in trade, manufacture, and handicraft - - -	193
Ditto not comprised in the above two classes - -	299
Houses inhabited - - - - - - -	359
Ditto uninhabited - - - - - - -	7

The town appeared to us to be in a very thriving and prosperous condition.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 12th day of September 1833.

289

REPORT

ON

THE BOROUGH OF MALLOW.

CONTENTS.

	Page
Charter	91
Corporation extinct	91
Seneschal of Manor	91
Court Leet	91
Quarter Sessions	91
Fairs and Markets	91
Statistical Details	91
Documents	92

BOROUGH OF MALLOW.

CHARTER.

1. MALLOW is not now a corporate town, nor could we discover in the town any evidence showing that a corporation had ever actually existed in it. A Charter, however, is found enrolled in the Rolls Office, of the 27th February, tenth year of James I. (Rot. Pat. 11 Jac. I. p. 4, m. 44,) which grants that the town of Mallow, and all lands within it, and the precincts thereof, should be a borough by the name of "The Borough of Mallow," and purports to create a corporation therein, to consist of a provost, twelve free burgesses, and a commonalty, by the name and style of "The Provost, Free Burgesses, and Commonalty of the Borough of Mallow."

It further grants that the provost and free burgesses, and their successors, should have power to send two burgesses to Parliament; and that as often as the sheriff of Cork should receive a writ for the election of Members, he should make his precept to the mayor and burgesses of Mallow.

The charter further nominates the first provost and burgesses, denoting that the former should continue in office for a year, and the latter for life; and that so many of the inhabitants of the town as the provost and burgesses should admit should be of the commonalty; and that the provost should be elected annually from amongst the burgesses on the feast of St. John, to enter on office at Michaelmas following; and that the burgesses should be elected as vacancies occurred, by the provost and the rest of the burgesses, from amongst the inhabitants.

It further grants the power of holding a Court of Record every week upon Friday before the provost, with jurisdiction in all personal actions to the amount of five marks happening within the borough.

It gives power to the provost, burgesses, and commonalty to make bye-laws, and to appoint two serjeants at mace and other inferior officers; and that the provost should be clerk of the market with the usual powers.

A charter also appears enrolled, bearing date the 29th August, 4 James II., (Rot. Pat. 4 Jac. II. p. 3, m. 47,) which, after reciting a seizure of the corporate privilege into the King's hands by judgment of the Court of Exchequer, purports to create a new corporation in the town.

CORPORATION extinct.

ELECTIVE FRANCHISE.

2. The Corporation, however, must have become extinct at a remote period, as the power of returning Members to Parliament, which by the charter was vested in the provost and free burgesses, has for a very long time been exercised by the freeholders of that part of the manor of Mallow within the limits of the borough, the precept being directed to the seneschal instead of to the provost and burgesses as directed by the charter.

SENESCHAL OF MANOR. HIS COURT.

The lord of the manor appoints a Seneschal, who holds a Court Baron from three weeks to three weeks, on Wednesday, in which debts under 40*s.* Irish may be recovered by civil bill. About ten cases are heard each court day, and about as many more summonses are issued, which are settled out of court.

COURT LEET.

A Court Leet is assembled by him twice a year, and 23 or 24 of the respectable inhabitants are summoned on the jury, who were formerly in the habit of presenting a market jury, but this practice was discontinued some years ago from some distrust in their powers of doing so. The want of a market jury is felt to be an inconvenience. The jury of the leet present a high constable, who collects the county cess within the manor; they formerly also presented money to be levied off the inhabitants of the manor for various purposes, such as bailiffs' salaries, repairs of pound, &c.; and the sums so presented were added to the county cess, and with it applotted on the inhabitants; but this practice, also, has been discontinued since the year 1820.

QUARTER SESSIONS.

The Court of Quarter Sessions for the East Riding of Cork is held in the town of Mallow once a year, and petty sessions are held there by the county magistrates.

FAIRS AND MARKETS.

There are five annual Fairs and two weekly Markets held in the town, at all of which tolls are collected. The tolls are the property of Mr. Jephson, the lord of the manor, who lets them at a rent of £250 a-year. The average amount of the tolls collected in the last three years was £390 a-year. Every thing sold both at fairs and markets is subject to toll, and there is also a charge for stallage. The tolls were represented to us as excessive in amount and injurious to trade.

STATISTICAL DETAILS.

The town is a very considerable one both in wealth and population.

The following Table exhibits its condition, as to the latter, in the year 1831:

Males 2,406; females 2,823. Total 5,229.

Occupations:

Families chiefly supported by agriculture - -	98
Ditto by trade, manufacture, and handicraft - -	461
Ditto not comprised in either of the above classes -	449

MALLOW.

Houses inhabited	697
Ditto uninhabited	49
Ditto building	10

The inhabitants appear to think that a well-regulated corporation in the town, with funds for public purposes, might be useful. And the importance of the place in respect of wealth and population would appear to entitle it to that distinction.

Documents.

We annex copies of the following Documents:

1. Schedule of Tolls.
2. Return of Collection of Tolls for three Years.
3. Return of Causes and Costs in Seneschal's Court for five Years.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held in Mallow on the 17th of September, and further proceeded with in Cork on the 22d day of October 1833.

293

REPORT

ON

THE BOROUGH OF MIDDLETON.

CONTENTS.

	Page
Limits	95
Charter	95
Corporation, Constitution of	95
Members of Parliament	95
Sovereign and Bailiffs	95
Deputy Sovereign	95
Burgesses	95
Freemen	95
Seneschal of Manor	95
Recorder	95
Fairs and Markets	96
Tolls	96
Statistical Details	96

BOROUGH OF MIDDLETON.

1. THE Limits of this borough extend by charter to 100 acres in the whole, round the centre of the town, but the precise bounds have never been marked out or defined. LIMITS.

2. The town was incorporated by a Charter, bearing date the 2d of January, in the twenty-second year of the reign of Charles II. (enrolled Rot. Pat. 22. Car. II. m. 26.) It granted to Sir St. John Broderick, that certain lands therein mentioned (his estate) should be a manor, by the name of "The Manor of Middleton," with a seneschal, a Court Baron, and a Court of Record, having jurisdiction in all actions arising within the manor to the amount of £200; and appointed Sir St. John Broderick, his heirs and assigns, lords of the manor. It further granted that the castle, town, and lands of Castle Redmond and Carraby, part of the manor, should be a free borough and corporation, by the name of "The Borough and Town of Middleton," and should extend into the county of Cork, every way from the middle of the town, to 100 acres in the whole; and that there should be a body corporate therein, consisting of 1 sovereign, 2 bailiffs, and 12 burgesses, which sovereign should likewise be a free burgess; and that the sovereign, bailiffs, and burgesses might, from time to time, whensoever and as often as they should think meet, admit so many persons as they, or the major part of them, should think fit to be freemen of the borough. It further directs that the sovereign and bailiffs should be annually chosen by the sovereign, bailiffs, and burgesses from amongst the burgesses, and that the burgesses, and all other officers and ministers, should be chosen from amongst the freemen and inhabitants of the town. CHARTER. CORPORATION, Constitution of.

The charter further gave power to the corporation, by the voices of the major part of the sovereign, bailiffs, burgesses, and freemen, to choose and return two discreet burgesses, to be Members of Parliament; and indeed it would appear that this corporation was created solely for the purpose of giving this power, which was exercised according to the dictation of Lord Middleton, the descendant of Sir St. John Broderick, and lord of the manor, up to the time of the Union, when the right of returning Members was taken away. On that event, a claim was put in for compensation by Lord Middleton and the sovereign, bailiffs, and burgesses of the borough of Middleton, jointly. This claim was admitted, and the sum of £15,000 awarded upon it; yet it appears to have gone exclusively to the use of Lord Middleton, the commissioners having directed the entire to be paid to the trustees of his marriage settlement. Members of Parliament. Union Compensation.

3. Since that period, the corporation has been kept up, and an annual election of officers has been held, but for what purpose it is not easy to discover; the members of it having no duties to discharge, nor any privileges or emoluments, and the inhabitants of the town deriving no benefit or advantage from the corporation, except the occasional presence of a local justice of the peace within the town, who very seldom acts as such, may be so considered. Corporation kept up.

4. The Sovereign and Bailiffs are elected annually on the feast of St. James, at an assembly of the sovereign, bailiffs, and burgesses. The same person, during life, is always re-elected sovereign. The present sovereign, who is Lord Middleton's agent, has held the office 25 years. The bailiffs are generally changed each year. Sovereign and Bailiffs.

The sovereign has under the charter a power, with the consent of the bailiffs and burgesses, of appointing a deputy, being an inhabitant of the town, and is a justice of the peace within the borough, both during his year of office and the next. He very seldom, however, acts as such. The justices of the peace for the county have jurisdiction within the borough, and hold petty sessions there.

5. The Burgesses are elected, when it is thought proper by Lord Middleton to fill up vacancies, at either of the annual meetings of the corporation for electing or swearing in officers, and such persons are chosen as his lordship directs. Five of the present burgesses are non-resident, and no Roman Catholics have ever been admitted. The corporation has no property of any kind, and the sovereign, bailiffs, and burgesses have no emoluments or privileges, and it is not the practice of the burgesses to pay any fees or stamp duty on their election. Burgesses, Election of.

No qualification is considered necessary in persons elected sovereign, bailiffs, or burgesses. Such persons as Lord Middleton, or his agent, thinks proper, are elected, and, in fact, all the offices of the corporation are considered as taken in trust for his lordship. Patron.

6. There are no Freemen now in existence as a class distinct from the burgesses. Freemen.

7. The lord of the manor appoints a Seneschal, who has power by the charter to hold a Court of Record, and also a Court Baron and Court Leet. The Court of Record has not been held since the appointment of the present seneschal, which was in June 1828, and within the last year he ceased to exercise any, even his civil bill jurisdiction. Seneschal, Courts of.

8. The present seneschal has been also appointed Recorder of the borough, and as such is also, by charter, town clerk. He has no duties to perform, but to keep the corporation books and make the entries therein. He is an attorney, and Lord Middleton's local law agent. Recorder.

MIDDLETON.

FAIRS and MARKETS. Tolls.

9. Four annual Fairs and a weekly Market are held in the town, and tolls are taken at all. The Tolls are paid at fairs by the buyer of all articles, and by the seller at markets. They are the property of Lord Middleton, who gives them as a perquisite to his land agent, the sovereign of the town. They are farmed at present by a collector at a rent of £60 a year, and produce about £80 or £90.

There is a market house in the town which is the property of Lord Middleton, but the accommodation afforded by it is quite insufficient; and it was represented to us that the inhabitants suffer much in health from the state in which the markets are kept.

STATISTICAL DETAILS.

10. The following Table shows the state of the town as to its population in the year 1831:

Population: males 989; females 1,045. Total 2,034.

Occupations, viz.

Families chiefly employed in agriculture - -	57
Ditto in trade and manufacture - - -	186
Ditto not comprised in the other two classes - -	121

Houses inhabited 227: uninhabited 13; building 7: total 247

The town appears to be in a thriving condition; there are two extensive distilleries and a brewery in it; and though not a sea-port, it has the advantages of one by the proximity of the sea at Ballinacurra, about a mile distant, where the merchants ship all their commodities.

The harbour at Ballinacurra is within the port of Cork, and a deputy water bailiff here collects dues claimed by the Harbour Board and Foundling Hospital of that city, though 15 miles distant; this is thought a great grievance by the inhabitants of Middleton.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 16th day of September 1833.

297

REPORT

ON

THE BOROUGH OF RATHCORMAC.

BOROUGH OF RATHCORMAC.

1. THIS town returned two Members to the Irish Parliament, but it does not appear to have been incorporated. The elective franchise was vested in the freeholders and inhabitants, and the seneschal of the manor was the returning officer.

CHARTER. The Charter, which conferred the above privilege, was granted by Charles II. in the thirty-third year of his reign. It erected the town into a free borough, and placed the elective franchise in the two classes above mentioned; but did not create a corporation, or recognise one as previously existing.

Union Compensation. At the Union, the Compensation of £15,000 for the extinction of the elective franchise was paid to the trustees of the will of the then late Lord Riversdale.

STATISTICAL DETAILS. The following Table shows the state of this town in the year 1831:

Population: males 720; females 854. Total 1574.

Families chiefly employed in agriculture - - -	94
Ditto in trade, manufacture, and handicraft - - -	126
Ditto not comprised in the two preceding classes - -	59
Houses inhabited - - - - - -	226
Ditto uninhabited - - - - - -	16

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. No witnesses were examined with respect to this borough.

299

REPORT

ON

THE BOROUGH OF TALLAGH.

CONTENTS.

	Page
Charter	101
Corporation extinct	101
Lord of the Manor	101
Court of Record	101
Quarter Sessions	101
Commons	102
Markets and Fairs	102
Almshouses	102
Statistical Details	102

BOROUGH OF TALLAGH.

CHARTER.

1. JAMES I., by Charter, bearing date the 1st of May, in the eleventh year of his reign, (enrolled Rot. Pat. 11 Jac. I. p. 1. m. 14,) granted that the town of Tallagh, and all lands, &c., within one English mile and a half, to be measured every way round the parish church of the town, should be a free borough, by the name of the borough of Tallagh; and that there should be therein a body corporate, consisting of a suffraine, free burgesses, not less than 13 or more than 24 in number, and a commonalty by the style of "The Suffraine, Free Burgesses and Commonalty of the Borough of Tallagh," and that all the inhabitants of said borough, and the precincts and liberties thereof, and so many and such other persons as should be admitted into the freedom and liberty of the borough, should be of the commonalty.

The charter gave power to the suffraine, free burgesses and commonalty then resident, and their successors for ever, or the majority of them, of choosing and sending two Members to Parliament, and directed that the sheriff of the county of Waterford should make a precept to the suffraine and free burgesses of Tallagh, whenever he received a writ for the election of the burgesses of the Parliament within the county of Waterford.

It made provision for the election of the suffraine, by directing that the suffraine and free burgesses should assemble on the feast of St. James, and should nominate three of the burgesses to stand in election for the office of suffraine for the ensuing year, and should present the names of such three persons to Sir Richard Boyle, his heirs and assigns, lord of the manor of Tallagh for the time being, who should choose one from amongst the three to be suffraine for one year, from the feast of St. Luke then next, and thence till another should be appointed and sworn to the office; and in case a burgess should die or be removed from office, that the suffraine and the rest of the burgesses should elect one of the inhabitants of the borough of Tallagh to fill the vacancy, taking the advice of the lord of the manor in so doing.

The charter also provided for the appointment of a recorder, and granted that he and the suffraine should be justices of the peace within the borough, and should have power to hold a Court of Record and entertain pleas therein of all actions personal, not exceeding £20, arising within the borough, and gave other powers and privileges usual in charters of incorporation.

CORPORATION EXTINCT.

2. By this charter a corporate body was formally constituted; and that the charter was accepted, and that a corporation at one time actually existed in the town, by virtue of its provisions, would appear from a document produced to us from the archives of the Duke of Devonshire, the representative of Sir Richard Boyle, and present lord of the manor. This document purported to be a presentation by the corporation of Tallagh of the names of three burgesses to the then Earl of Cork, for the purpose of his nominating one of them to be sovereign of Tallagh for the then next year, in conformity with the provision of the charter above mentioned. It was sealed with the corporation seal, and was dated the 8th day of July 1630. This instrument, however, was the only trace of the existence of a corporation in the town. The oldest inhabitants had no recollection of any or of any corporate officers, and, if it ever existed, it must have become extinct at a very early period, as the Elective Franchise, which was by the charter vested in the corporation, was for very many years previous to the Union enjoyed by the resident householders of the borough, and the seneschal of the manor was the returning officer.

ELECTIVE FRANCHISE.

UNION COMPENSATION.

At the Union, when this right was taken away, a claim for compensation for it was preferred by the Duke of Devonshire, and allowed, and a sum of £15,000 awarded to a trustee to the use of the duke and others entitled under the will of the last Earl of Cork and Burlington.

LORD OF THE MANOR. COURT OF RECORD.

3. The Duke of Devonshire is Lord of the Manor of Tallagh, in which the town is situate, and as such he until recently appointed a seneschal, who at one time held a Court of Record within the town. In this court he exercised jurisdiction in all personal actions to the extent of £15 Irish, and granted attachments against the body or goods, on an affidavit of the debt and that the defendant was resident within the manor. Whether the jurisdiction so assumed was a relic of the corporation, and derived originally from the charter, or whether such power was conferred by the patent creating the manor, the late seneschal was unable to say, and we had not the means of forming an opinion, the agent of the duke not considering himself at liberty to produce to us the patent.

The sittings of this court were discontinued about 15 or 16 years ago by direction of the duke's agent, and from that period the seneschal confined himself to proceedings by civil bill for the recovery of debts not exceeding 40*s*. Of late, however, there has been no seneschal, the person who was last appointed by the lord of the manor, and who had held the office for 30 years, resigned about six years ago, not being able to give the security required by the 7 Geo. IV. c. 41.

COUNTY QUARTER SESSIONS.

4. Complaints were made by the inhabitants of this town that the Quarter Sessions for the County are only held once a year at Lismore, which is only about four miles distant, while they are held three times in the year at Dungarvan, which, though in the same division of the county, is more than 20 miles from Tallagh.

TALLAGH, OR TALLOW.

Commons.

5. No property was granted to the corporation by the charter of James I An opinion exists amongst the inhabitants that about 10 acres of land, near the town, which are still called the Commons, formerly belonged to the corporation. The place has, however, been enclosed for the last 70 years, and in the possession of the lords of the manor and their tenants.

Markets and Fairs.

6. A patent was granted to Sir Richard Boyle by James I., in the eleventh year of his reign, to hold two Markets weekly, in this town, on Thursday and Saturday, and three Fairs yearly, on the feasts of St. Peter, St. Michael, and Corpus Christi, with usual tolls and customs; but no tolls or customs are now collected at them.

Almshouses.

7. Two sets of Almshouses are in the course of being erected in the town, one by funds bequeathed by the late Roman Catholic parish priest, and the other from funds left by a private individual for that purpose.

Statistical Details.

8. The place is apparently in a state of rapid decay; there is no manufacture and very little trade.

9. The following Table exhibits the numbers and condition of the population and state of the town, in the year 1831:

Population: males 1426; females 1354. Total 2780.

Occupations, viz.

Families chiefly employed in agriculture -	11
Ditto in trade, manufacture, or handicraft -	298
Ditto not included in the above classes -	292

Houses: inhabited, 451; uninhabited, 26.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry held on the 13th day of September 1833.

303

REPORT

ON

THE BOROUGH OF YOUGHAL.

CONTENTS.

	Page
Charters	105
Style	107
Limits of Borough	107
Corporation, Classes of	107
Mayor and Constable of the Staple	107
Mayor	107
Bailiffs	107
Aldermen	107
Burgesses	107
Freemen at large	107
Patron	108
Freemen of Trade	109
Council	109
Court of D'Oyer Hundred	109
Officers of Corporation	109
Recorder	110
Town Clerk	110
Clerk of the Crown	110
Clerk of the Peace	110
Swordbearer	110
High Constable	110
Serjeants at Mace	110
Water Bailiff	110
Treasurer	110
Beadle	110
Gaoler	111
Court of Quarter Sessions	111
Juries	111
Court of Record	111
Justices	112
Police	112
Charities	112
Schools	112
Property of Corporation	112
Income	112
Expenditure	112
Debt	112
Lettings of Property	113
Tolls	113
Harbour Dues	113
Lighting	114
Water	114
Population	114

BOROUGH OF YOUGHAL.

1. THE corporation of the town of Youghal appears to have existed by prescription.

CHARTERS.

It is supposed that a Charter of incorporation was granted to the town by King John, but if any such was granted, no trace can be found of it either amongst the records of the corporation, or in the Roll's Office in Dublin, or in the Tower of London, though it is said there is a copy of such charter in the British Museum.

31 Edward 3.

The earliest charter that can be found is amongst the English Patent Rolls in the Tower of London, of 31 Edward III. m. 17, and is stated in the Calendar of English Patent Rolls, to be a murage grant.

26th January. 49 Edward III.

The earliest charter now extant in the repositories of records in Ireland, was granted by Edward III. It bears date the 26th of January, in the forty-ninth year of his reign, 1374-5, (enrolled Rot. Pat. 49 Edward III. m. 2. f.) The charter grants to the sovereign, bailiffs, and good men, of the town of Yoghill, certain tolls and customs, therein specified, on certain articles coming to the town to be sold, whether by land or water, for a limited period, in aid of the murage and pavage, and other necessary works of the said town, provided that, at the end of each year, they should account for same before the bishop, dean, and parson of Cloyne, for the time being, or one of them, and that those auditors, or one of them, should have said amount distinctly and aptly, from time to time, before the treasurer and barons of the Court of Exchequer in Ireland.

4th July. 49 Edward III.

The next charter is one of the 4th day of July, 49 Edward III., 1375, (enrolled Rot. Pat. 49 Edward III. m. 13,) which, on the petition of the sovereign, merchants, and commons of the town of Yoghill, complaining of being compelled to pay certain dues on certain staple articles in the harbour of Cork, beyond what they should have paid, grants that these dues should, in future, be paid in the port of Yoghill, and that the acquittances for such payments and receipts should, in future, be given in such port, under the seal of the cocquet, so that the said sovereign, merchants, and commons should not be molested or obstructed on account thereof.

3 Richard II.

A charter of 3 Richard II. is found in the Tower of London, in the Rot. Pat. 3 Richard II. m. 16, which is stated in the above-mentioned Calendar of English Patent Rolls, to be a confirmation of liberties for the men of Yoghill.

20 Richard II.

The next charter is one of the 12th February, in the twentieth year of Richard II., 1397, (enrolled Rot. Pat. 2 Hen. V.) granting customs and cocquet for a limited period.

22 Richard II.

It is stated in the Calendar above mentioned, that a charter of the twenty-second year of Richard II. is enrolled in the Tower of London, in the rolls of that year, m. 17, granting the office of searcher and water bailiff of Yoghill.

5 Henry IV.

The next charter is dated on the 12th of May in the fifth year of Henry IV. (enrolled Rot. Pat. 27 Elizabeth, m. 16. d.,) and is merely a licence to treat with rebels.

3d February. 2 Henry V.

The next charter bears date on the 3d of February, in the second year of Henry V. (1414, enrolled Rot. Pat. second year of Henry V., article 150.) It recites the charters of the 26th of January, 49 Edward III., and of the 20 Richard II., and confirms and extends the period for taking the customs thereby granted.

6th February. 2 Henry V.

The next is dated the 6th of February, in the same year, (enrolled on the same roll, article 149,) it recites and confirms that of Henry IV., and extends the period of treating with rebels.

2 Edward IV.

The next is dated on the 28th of December, in the second year of Edward IV., 1462, (enrolled Rot. Pat. 7. Jac. I. p. 3. m. 1.) It grants to the sovereign, provosts, and burgesses of the town, and their successors, burgesses of the said town, customs and cocquet for the repair of the walls, to be received by the sovereign and provosts, and the account thereof to be taken from year to year, before two most sufficient and discreet burgesses of the said town yearly, to be chosen to that end by the commons of the said town, and no account thereof to be given to the Exchequer, and that the sovereign and provosts should have cognizance of all pleas, as well of tenures lying within the said town, by fresh force, as of all personal actions to any amount, and power to inquire of and punish regraters and forestallers, and power to license strangers to trade in said town, providing that if any traded without such licence, their merchandises should be forfeited for the benefit of the said sovereign, provosts, and burgesses, and that the sovereign and provosts should have the assize of bread and beer, and the custody and assize of weights and measures and all other things to the office of clerk of the market belonging, and that the sovereign should be escheator and admiral of the said town, excluding any other clerk of the market, escheator, and admiral, and that the sovereign should have power of all pleas of land, and all assize happening in the same town; and that said town should be one of the petty limbs of the cinque ports of Ireland.

YOUGHAL.

A charter was also granted in 1 Richard III., merely of confirmation.

1 Richard III.
2 Richard III.

The next charter is dated on the 17th day of May, in the second year of Richard III., enrolled as the charter of Edward IV. This charter gives the principal officers the names of mayor and bailiffs, and directs that they should be chosen by all the inhabitants of the said town, then admitted into the franchises thereof, on Friday before the feast of St. Matthew, and incorporates the town by the name of "The Mayor, Bailiffs, Burgesses, and Commonalty of the Town of Youghal;" and gives to the mayor and bailiffs cognizance of all pleas both personal and of lands, rents, &c. in a court to be held on every Friday, and all fines, issues, profits, amercements, and forfeitures therein, to belong to the mayor and bailiffs of the said town; and that any one of them should have jurisdiction in the absence of the others; and that all persons then or thereafter admitted to the freedom of the town by the mayor and bailiffs, according to the custom of the town, should be free of tolls and other duties, therein specified, throughout England and Ireland, and that the corporation should collect and receive custom and cocquet in the ports, creeks, and pills of the town, that is to say, from the headland of Ardmore, and Capel island, unto the island of Tooreen, as well by land as by water, unto the sea, to be collected by the mayor and bailiffs, and to be expended in repairing and re-edifying said town, and an account thereof to be rendered before two discreet burgesses of the said town, to be chosen yearly by the commonalty for that purpose, and no account thereof to be given in the Exchequer.

12 Henry VII.

The next charter bears date on the 25th day of August, in the twelfth year of Henry VII. (enrolled as the charter of Edward IV.) It directs the election of mayor and bailiffs to be made as before granted by the charter of 2 Richard III., and confirms all former privileges. It grants custom and cocquet to be collected by the mayor, and expended and accounted for as before, together with power to the mayor to inquire of and punish regraters; the fines to be converted to the use of the said town. It also granted similar power as granted by former charters to the mayor with respect to the offices of escheator, clerk of the market, and admiral of the said town.

1 Elizabeth.

The next charter bears date the 3d day of July, in the first year of the reign of Queen Elizabeth, (enrolled as the last,) and grants to the corporation the power of purchasing lands to themselves in fee, provided same should not exceed the annual value of £6.

27 Elizabeth.

The next charter bears date on the 18th day of July, in the twenty-seventh year of Elizabeth, and is enrolled in the charter of Edward IV. It confirms all former privileges, liberties, &c., by the charters of Edward IV., and subsequent charters granted, or otherwise, lawfully by them theretofore had, used, and enjoyed; further grants to the corporation the office of gauger within the said port and town, so long as they should properly execute the office, and that they should have one mease of herrings in the year out of any boat that should fish for herrings within the liberties, in like manner as Waterford and Dungarvan, or either of them, do or ought to receive and take, under condition that they should, as often as need be, repair and maintain the quay and walls of the town. It further also grants to them the ferry, or passage boat of Youghal, and all tolls, commodities, perquisites, &c., for passage of the subjects of the Queen, to be taken as formerly, at a yearly rent of 6*s.* 8*d.*, and exempts the said mayor, bailiffs, burgesses, and commonalty, from the payment of all executions or impositions called "cesse."

29 Elizabeth.

A Queen's letter appears on record, bearing date the 16th March, 29 Elizabeth, (enrolled Rot. Pat. 29 Elizabeth, a. 20.) whereby the Queen authorizes a grant to the town of Youghill of nine quarters of land, viz.: Ballyntra, five quarters; Ballynmonty, *alias* Ballynite, one quarter; Kilnecaregy, two quarters; and Ballynemodugg, one quarter; lying in the county of Waterford, for ever in fee farm. But we were not able to find any charter made pursuant to same.

7 James I.

The next charter, and that which the corporation consider the governing one, bears date on the 22d day of December, in the seventh year of James I. (enrolled Rot. Pat. 7 Jac. I. p. 3, m. 1.) It recites and confirms the charters of Edward IV., 2 Richard III., 12 Henry VII., 1 and 27 Elizabeth, and confirms also all other charters and privileges theretofore enjoyed by them, saving the custom of poundage, for the purpose (as stated in it) of preventing ambiguities in former grants. It grants to the corporation the office of admiral of all things belonging to the admiralty, within the limits mentioned in the charter of Richard III., with all the profits thereof, without any account to be rendered to the Crown, and that they might receive and possess murage, cranage, quayage, anchorage, and lastage, of all merchandise imported or exported into or out of the port of Youghal, in like manner as in Waterford and Clonmel. It authorizes the mayor, bailiffs, and burgesses to meet together as often as they might think proper, and consult for the good of the town, and make bye-laws, and empowers the mayor and bailiffs to inflict fines for the violation of such laws, and to imprison the offenders until the fines should be paid. It confirms to the corporation all lands theretofore enjoyed by them and grants them two markets weekly, one on Wednesday and the other on Saturday, together with all tolls, &c. to said markets belonging; and also two fairs to be held yearly in said town, one on the eve and feast of St. Luke and day following; and the other on the eve and feast of the Ascension and day following, with a Court of Pie Poudre. It grants a corporation of the staple as fully as in Dublin. The mayor and bailiffs of the town of each year to be mayor and constables of the staple of the succeeding year. It empowers the mayor, with consent of two aldermen, to appoint an alderman deputy mayor, to do all things that to the office of mayor, escheator, clerk of the market, admiral, and say-master of the said town belong. It grants to the corporation the goods of all felons, outlaws, and condemned persons, and all fines and amercements in the same town happening or arising, and also the forfeiture of all goods and chattels not entered, and wrecks of the sea, within the port of the town and liberties thereof. It grants that the mayor, recorder, and bailiffs shall be justices of the peace and of oyer

and terminer and gaol delivery within the said town, with a non intromittent clause as to all other justices of the peace, and that the mayor and recorder shall also be justices of the county of Cork. It further grants to the mayor for the time being, the offices of coroner, assay master, and feodary, with all profits to the said offices belonging, for the use of the corporation. It also grants to the corporation, customs and cocquet of all merchantable things to be imported into the said town, or to be exported out of the said port, to be expended and laid out in reparation of the walls of the said town, in as large and ample a manner as same was granted by the charter of Henry VII., securing to the King the custom or subsidy of poundage, and that a sword shall be carried before the mayor, and that the corporation may appoint a swordbearer to hold his office during good behaviour. It further grants to the corporation that all vessels that shall enter the said port, between Ardmore Head and Capel Island, shall land, and discharge, and load at the quay of the said town, and nowhere else within the said port, without leave of the mayor and bailiffs, and that all commodities so discharged, or shipped, at the said quay, shall be exposed for sale to the mayor, bailiffs, burgesses, and commonalty, and not elsewhere, or to any other person or persons, foreigners, without the said port. It grants power to hold a Court of Record in every week on Tuesday and Friday before the mayor, recorder, and bailiffs, or their deputies, or any of them, and jurisdiction in all actions.

A charter of the 17th May, in the fifteenth year of James I. (enrolled Rot. Pat. 15 Jac. I. p. 5. m. 19. d.) grants certain privileges to the corporation of the staple. 15 James I.

A King's letter of the 14th February, in the year 1660, (enrolled Rot. Pat. 15 Car. II. p. 4. m. 68,) authorizes the restoration to the corporation of all the former privileges and possessions. 15 Charles II.

A charter of James II., dated on the 18th day of April, in the fourth year of his reign, and enrolled, (Rot. Pat. 4 James II. p. 2. m. 34. d,) remodelled this corporation. But this charter is considered to have no force. 4 James II.

The present Style of the corporation is "The Mayor, Bailiffs, Burgesses, and Commonalty of the Town of Youghal," and this has been the style since the charter of Richard III. Style.

3. The Limits of the ancient Borough were somewhat more extensive than those prescribed by the Boundary Act of the 2, 3 William IV.; the latter include very little more than the town as built on. Limits of Borough.

4. The several Classes of members of the Corporation are, the mayor, bailiffs, burgesses, (including the aldermen) and freemen at large. Classes of Corporation.

5. The ex-mayor is called Mayor of the Staple, and the ex-bailiffs are called Constables of the Staple, but have no duties to perform as such; and there is a class of freemen, not being members of the corporation, who are called Freemen of Trade. Mayor and Constables of the Staple. Freemen of Trade.

The Mayor is elected annually at a court of election held every 29th of June; he must be chosen from the burgesses, and every member of the corporation is entitled to vote at such election; he is sworn into office on the 29th of September following, according to the "New Rules," if approved by the lord lieutenant and council. Mayor, Election of.

The mayor is head of the corporation, he presides at all its meetings, he is a justice of the peace for the borough, and also of the county of Cork; he is coroner and clerk of the market within the borough. His Salary is £200 per annum, and he has some Fees in the Court of Record, and used to get perquisites from oyster, herring, and coal vessels, which are not now regularly paid; he is also entitled to fees on the admission of freemen, and on the swearing of recruits. Privileges of. Salary and Emoluments of.

6. The Bailiffs are also elected annually from amongst the freemen at large at the same court of election as the mayor, and are sworn into office at the same time. The bailiffs have been always chosen from amongst residents, and must continue so during their year of office. They are justices of the peace for the borough, are constituent members of the corporation, and it is considered that no legal meeting of the corporate body can be held without the presence of at least one of them. They have salaries of £50 per annum, and are entitled to fees on affidavits sworn before them as judges of the Court of Record. Bailiffs, Election of.

7. The Aldermen are those burgesses who have served the office of mayor. By being aldermen they do not cease to be burgesses. The only additional privileges of an alderman are that two aldermen must by charter be assenting parties to the appointment of a deputy by the mayor, and that the aldermen with the mayor elect the butter weighmaster. The number of aldermen is unlimited, but in consequence of the practice of re-electing the same persons frequently to the office of mayor, they are not numerous. They are frequently re-elected to the office of bailiff. Aldermen.

8. The Burgesses are such of the freemen at large, as have served the office of bailiff. They are a constituent part of the corporate body, and must join with the mayor and bailiffs in convening special meetings of the corporation, and no freeman can be elected mayor who is not a burgess. Their other privileges are those of freemen at large. The number of the burgesses is not limited. They are at present 20, including the aldermen. Burgesses who have not served the office of mayor, as well as those who have, are frequently re-elected to the office of bailiff. Burgesses, Privileges of.

9. The Freemen at large of the corporation are chosen at a Court of D'Oyer Hundred, convened specially by the mayor, bailiffs, and burgesses, by a precept under their hands. This precept must be agreed to at a meeting of those classes convened by the mayor, which he does at his own discretion, and the majority at such meetings decide whether the precept Freemen at large, Election of.

YOUGHAL.

shall issue or not. No meeting of the Court of D'Oyer Hundred can take place without such precept, and when assembled the mayor can adjourn it from time to time; and as it is conceived that a portion of each constituent class of the corporation must be present for the doing of a valid corporate act, it follows that the mayor has the power of dissolving the court at pleasure, a power which he sometimes exercises.

Proposal of Candidates for the Freedom.

The mayor claims and exercises the exclusive right of proposing all Candidates for admission to the Freedom. This right was questioned in the year 1808, and an application was made to the Court of King's Bench for liberty to file a criminal information against the mayor for refusing to put the question as to a candidate for admission proposed by a freeman. But the court being of opinion, on cause being shown, that the mayor acted *boná fide* on the occasion, in the assertion of a privilege which he supposed to exist, and not from corrupt motives, refused to grant the liberty, so that no decision on the question of right was had, and all subsequent mayors have continued to exercise it.

Qualification of.

10. There is no Qualification necessary in any person to be admitted a freeman, nor is any right to the freedom now recognised.

Fees on Admission.

11. The Sum which persons admitted to the freedom are bound to pay is £5 Irish, but since the late change in the currency they generally pay £5 British. This sum is disposed of as follows, viz.:

	£	s.	d.
Stamp duty	3	0	0
To the mayor	0	6	8
Recorder	0	7	6
Swordbearer	0	2	8
Two serjeants at mace	0	2	2

and the residue to the town clerk.

Patron.

12. The election to the above-mentioned corporate offices, and also to the offices of recorder, town clerk, and treasurer, and the election of freemen, are made in point of form by the votes of all the members of the corporate body assembled either in their annual or special courts of election, or in the Court of D'Oyer Hundred, as above described; but it appears that, in fact, the nomination to those offices, and to the freedom of the corporation, has been for a considerable time substantially vested in a political Patron. Up to the year 1822, the late and present Earls of Shannon were, successively, patrons of the corporation, and from that year the political patronage and influence in the corporation have been vested in the Duke of Devonshire. The transfer of the patronage of the borough from Lord Shannon to the duke was effected by means of legal proceedings taken by his grace to dispossess several members of the corporation, and the corporate body itself, from valuable tenements then in their possession. These tenements had been originally parts of the bed and soil of the river Black Water, between high and low water mark, which were reclaimed from the river by the corporation and its tenants, and upon which valuable premises were erected, and amongst others the town-house of the corporation. The duke claimed these premises under a patent to his ancestor, Sir Richard Boyle, the first Earl of Cork, by which the soil and bed of the river Black Water were granted to him and his heirs; and he having succeeded in the courts in Ireland, and writs of error to the House of Lords having been sued out by the tenants of the corporation, in the spring of 1822 an arrangement of the litigation was effected, with the consent of Lord Shannon, the then patron, by which it was agreed that the political influence which had been previously exercised by him should be transferred to the Duke of Devonshire, his grace agreeing, on the abandonment of the writs of error, and on his getting possession of the several premises, to compensate the individual members of the corporation for the sums expended by them on their holdings, and to grant them leases of their respective tenements at moderate rents.

This arrangement was soon after carried into execution. The individuals who were ejected were compensated by his grace, and their holdings relet to them; but the corporation itself received no compensation for the loss of the town-house and of some land, in the building and reclaiming of which it had expended about £3000; his grace, however, permits the town-house to be used for public purposes. The influence of the Duke of Devonshire in the corporation was secured by the admission of himself, and more than fifty of his friends, to the freedom of the corporation on the 16th of May 1822. From that period until the election of officers for the present year, the names of the persons about to be elected to the several offices in the corporation, and to be admitted as freemen, were dictated or approved of by his grace's Irish agent, and the representative in Parliament for the borough, until the last election, was nominated by the duke. In short, all the leading members of the corporation have since considered themselves trustees for his grace in every matter connected with it, save its financial arrangements, with which he has not directly interfered, and although the duke, or his agent, did not interfere at the last election of officers, or at the election for a member for the borough in 1832, yet they still consider themselves bound by the arrangement of 1822; so that the power of admitting persons to the freedom of the corporation of Youghal is practically vested in the Duke of Devonshire.

Freemen, Number of.

13. There are at present about 198 Freemen at large, exclusive of the mayor, bailiffs, and burgesses, of whom 40 are resident within the borough, and 20 others within seven statute miles. All the rest are non-resident.

Religion of.

14. The freemen are nearly all members of the Established Church, the only exceptions being two Methodists, six Quakers, and three Roman Catholics. These last, together with one other Roman Catholic, now dead, were admitted in August 1829; certain bye-laws which had been previously in force, excluding Roman Catholics from the freedom at large, having been previously on that day repealed.

15. There is a great degree of consanguinity and Relationship amongst the resident members of the corporation. The sons, sons-in-law, or other relatives of the aldermen and burgesses being the persons usually admitted, and nearly all the non-resident members are persons in the confidence of the patron or his agent. This exclusiveness, operating to the prejudice of several respectable residents of different religious persuasions, has naturally produced much and well-grounded dissatisfaction in the excluded. Relationship of.

16. Though no Right to the Freedom at large is now recognised, such was not always the practice. Freedom, Right of.

It appears by various entries in the corporation books, commencing in the year 1610, and ending in the year 1774, that until the latter year several persons were admitted as of right, claiming by birth, marriage, or service, but the extent of those rights does not appear by those entries to have been distinctly defined. In the year 1756, a resolution of the Court of D'Oyer Hundred limited the right by marriage to an inhabitant of the town marrying the eldest daughter of a resident freeman at large, the right by birth to the eldest son of a freeman at large, and the right by service to such persons as should have served apprenticeships of seven years to any trade with a freeman at large of the town.

On the 17th of January 1774, a Bye-law was passed, whereby the last-mentioned resolution, and all other bye-laws and regulations recognising any right to the freedom were repealed; and a bye-law of the 28th September 1719 was re-enacted, whereby it was declared "that no person whatsoever, on any pretence whatever, should have any right to claim to be free of the corporation but such, and such only, as the members of the Court of D'Oyer Hundred, with the consent of the mayor and bailiffs, or the members of the common council legally assembled, should think fit." From the passing of this bye-law no person has been admitted to the freedom of the corporation, save by grace; and the result has been that the corporation has degenerated into a select body, consisting of the members of a few families in the town, and the non-resident friends of the patron. Bye-laws respecting.

17. The Privileges of a Freeman at large are, the power of voting in the Court of D'Oyer Hundred, and courts of election, and exemption from all tolls and customs, except the market tolls. Although the charter makes them free of all other towns in England and Ireland, we have not discovered that such privilege is exercised or claimed. Freemen, Privileges of.

18. There is another class of freemen who are not members of the corporation, called Freemen of Trade. This class appears by the books to have existed from a very early period, and probably had its origin from a clause in the charter of Edward IV. giving to the sovereign and provosts (now mayor and bailiffs) power to license foreigners to trade in the town, and to seize the goods of foreigners exposed for sale, unless so licensed, to be forfeited for the benefit of the town. Freemen of Trade.

The freemen of trade are admitted in the same manner as the freemen at large. This freedom has been much more liberally disposed of than the freedom at large; as it conferred no political power, the patrons do not appear to have interfered in the granting of it. The only privilege possessed by a freeman of trade, is exemption from tolls and customs, except market tolls. The same fees and stamp duty are payable by such persons on their admission as by freemen at large, but they are admitted during pleasure only. Previously to the year 1795, the bye-laws, excluding Roman Catholics, were in force with respect to the freedom of trade, as well as the freedom at large; and a resolution appears on the books disfranchising certain persons of that persuasion who had crept into the freedom of trade. But on the 29th of September, in that year, a bye-law was passed, repealing all bye-laws and regulations prohibiting the admission of Roman Catholics to the freedom of trade, and several of them were then admitted, and they have continued to be admitted from that period to the present time. Admission of.

19. The Council is composed of the mayor, bailiffs, and burgesses, including the aldermen. The charter confers extensive power on this body in the making of bye-laws and regulations for the government of the town, but in practice the only function it now performs is the issuing of the precept for convening special meetings of the Court of D'Oyer Hundred, and special courts of election. As no meeting of the corporate body, however, can be had, except in its two annual courts, (that for the election, and that for the swearing in of officers,) without the issuing of such precept, the council, in effect, possess a veto on all corporate proceedings, except the election and swearing in of the annual officers. Council.

20. The Court of D'Oyer Hundred is an assembly of all the members of the corporation. It possesses the power of admitting freemen, disposing of the corporate property, and doing all other corporate acts, except the election of officers. Court of D'Oyer Hundred.

21. In addition to the Mayor and Bailiffs, who are essential component parts of the corporate body, the other Officers are, Officers of Corporation.

The Recorder.
The Town Clerk.
Clerk of the Crown.
Clerk of the Peace.
Treasurer.
Swordbearer.
Chief Constable.
Gaoler.
Two Serjeants at Mace.
Beadle.
Water Bailiff.
Clerk of the Market.
Pound Keeper.
Weighmaster.

YOUGHAL.

Recorder.

22. The Recorder is elected for life at a special meeting of all the corporate body, called a Special Court of Election, convened when a vacancy occurs, in the same manner as the Court of D'Oyer Hundred. He is a justice of the peace for the borough, and also of the county of Cork. As justice of the peace for the borough, he presides as one of the judges at the quarter sessions for the town, and he assists the judges of the Court of Record as assessor. It is not considered necessary that the recorder should be a professional man. The present Earl of Shannon was recorder until the year 1831, when he resigned on its being intimated to him that it was the desire of the inhabitants and corporation that the recorder should be a professional man, and an efficient officer. The present recorder is a practising barrister, who is generally resident in Dublin, but has a place of residence in the town, and comes down four times a year to discharge the duties of his office at quarter sessions. He is not a freeman. Before his election, in June 1831, his name was submitted to the agent of the Duke of Devonshire, and approved of by him. He never performs any of the ordinary duties of a justice of the peace. His salary is £50 per annum, and he has some emoluments derived from fees on the admission of freemen.

Town Clerk, Election of.

23. The Town Clerk is also elected for life at a special court of election in the same manner as the recorder. It is considered necessary that he should be an attorney, but not that he should be a freeman; the present town clerk is both. He is also clerk of the crown and clerk of the peace of the borough.

Duties of.

As town clerk he attends all the meetings of the corporate body, and makes the entries of their proceedings in the town book. He attends the mayor when he acts as coroner, and is obliged now, under the Reform Act, to attend the registry of voters for the borough at the quarter sessions and assizes of the county of Cork; which is, occasionally, some of the sessions' towns being a great distance off, a very arduous duty, for which the Act provides no remuneration.

Clerk of Crown.

As Clerk of the Crown he has no actual duty to perform, as such duties could only arise in case of a special commission of gaol delivery issuing for the borough.

Clerk of Peace. Emoluments of Town Clerk.

As Clerk of the Peace he is the officer of the quarter sessions of the borough, and performs the ordinary duties of clerk of the peace. The salary of the Town Clerk is now £75 Irish per annum, having been recently increased from £50 in favour of the present town clerk, in consequence of additional duties imposed on him, and of his long and faithful services in the discharge of the duties of his office. The correctness and assiduity of his performance of those duties could not be more fully exemplified than in the valuable assistance afforded by him in promoting the objects of our inquiry. As town clerk he has fees on the admission of freemen, fees in the Court of Record which are specified in the docket of fees in that court herewith sent, and fees on the filing of petitions by apprentices to be discharged from their masters, and for preparing bonds for pawnbrokers, to be transmitted to the marshal of Dublin, in order to obtain their licences.

Clerk of Crown and Peace. Salary of. Emoluments.

As Clerk of the Crown and Clerk of the Peace, £50 per annum is presented for him by the grand jury of the county of Cork, under the 4 Geo. IV. c. 43, in lieu of fees now abolished, and in the latter office he has fees on the granting of annual licences to publicans, and on the licences granted to the venders of arms and gunpowder, and on summonses issued from the Crown office.

Swordbearer, Appointment of.

24. The Swordbearer is appointed by each mayor, during his year of office; but in practice the individual is not changed. This mode of appointment is at variance with the charter, which vests it in the corporation generally, and makes the office one for life. We found no authority for transferring the appointment.

Salary of. High Constable.

The Salary of swordbearer is £10 per annum, and he is also annually appointed chief constable of the borough by the quarter sessions grand jury. His salary in that capacity is £15 per annum, paid by the corporation.

Serjeants at Mace.

25. The two Serjeants at Mace are the officers who execute all writs from the Court of Record, except attachments against goods on the water. They are appointed by the mayor, and their salaries are 10 guineas each per annum. They are entitled to fees in the Court of Record specified in the docket of fees, and the usual poundage on executions.

Water Bailiff and Clerk of the Market.

26. The same person fills the office of Water Bailiff and Clerk of the Market; he is appointed by the mayor. As water bailiff he executes on the water attachments against goods issuing from the Court of Record; he formerly collected the tolls and customs, and then had a poundage on his receipts. As clerk of the market he keeps the corporation beams and scales, and seals weights and measures. The tolls and customs having latterly ceased to be regularly collected, he has £20 British per annum from the corporation, as compensation for the loss of his poundage, and for the performance of his duties as clerk of the market.

Treasurer, Election of.

27. The Treasurer is elected annually in the court of election. His duty is to receive and disburse the corporate revenue, and keep the accounts, and he is compensated by an allowance of five per cent. on his receipts. The present treasurer has been in office 11 years, having been elected on the decease of his father, and is a burgess. His accounts are made up annually to every 29th of June, when they are laid before the court of election, held on that day, and submitted to auditors, who are then appointed, and who continue in office for the following year.

Beadle, &c.

28. The duties of the Beadle, Pound Keeper, and Butter Weigh-master are indicated by the names of their repective offices. The beadle is paid by a salary of £10 per annum; the pound keeper by his fees; and the butter weighmaster has an allowance from Government under the 10 Geo. IV. c. 41. The first two are appointed by the mayor, and the last by the mayor and aldermen.

YOUGHAL.

Gaoler.

29. The Gaoler is appointed by the mayor during good behaviour; his duty is to keep the borough gaol, in which he has apartments for himself and family; his salary is £25 per annum. Before the abolition of fees it was only £10.

Gaol.

30. The Gaol is for the custody of persons committed for trial or under sentence of the borough sessions, and of prisoners on their transit to the county gaol. Deserters taken in the borough are also confined in it until transmitted to head quarters; as are debtors arrested under process from the Borough Civil Court. It was built by and is maintained at the expense of the corporation; it is sufficiently roomy, but has no court-yard or any of those accommodations that are considered essential to the health and cleanliness of the inmates of a prison.

Court of Quarter Sessions.

31. The Court of Quarter Sessions, which is held by the mayor, bailiffs, and recorder, as justices for the borough, four times in each year, has jurisdiction in all offences committed within the town and liberties; but in practice larcenies and misdemeanours are the only offences tried in it, and the punishments usually imposed are fine and imprisonment. In one recent case, a convict was transported by its sentence for larceny. From 15 to 20 are the average number of bills of indictment presented at each sessions. The fines imposed as punishments belong to the corporation, and when paid are disposed of by the magistrates in charity.

Juries. Grand Jury.

32. The town clerk summons the Juries in pursuance of a precept issued to him by the magistrates. He summons 24 members of the corporation on the Grand Jury, and the practice of confining these summonses to members of the corporation is stated to be in compliance with ancient usage, and not from any desire to exclude persons who are not members. The present recorder, on being consulted on the subject, did not think it proper for the town clerk to depart from the established practice. The consequence of such practice has been, that the resident members of the corporation, being harassed by constant attendance, it has been difficult on some occasions to procure a sufficient number to constitute a jury, the business of the court has been suspended, and it has been necessary to enforce attendance by fines; and it is obvious that there is much danger of suspicion being thrown on the administration of justice by the exclusion of respectable persons, both Protestants and Catholics, who are not freemen, from the performance of the duties of grand jurors.

Grand Jury, Duties of.

The Grand Jury find bills of indictment, present nuisances, and appoint annually a number of constables for the borough, varying from 9 to 12, but exercise no power of presenting money.

Petty Jury.

The Petty Jury panel consists also of 24, and is summoned generally from the householders. It is so varied that there is no complaint either of exclusion or of individuals being harassed by too frequent attendance.

Administration of Justice.

33. The Administration of Justice in this court, particularly since the appointment of the present recorder, appears to give satisfaction to the inhabitants, in every respect, save the exclusive character of the grand jury.

Court of Record.

34. The Court of Pleas, called the Court of Record, is held before the mayor and bailiffs, or any one of them, in the absence of the others. In cases of importance the recorder sits as assessor, and such cases are reserved for his presence by consent of the parties. The jurisdiction is unlimited in amount, and in one recent instance a sum of nearly £1000 was recovered in this court, and cases to the amount of £100 and £200 are very frequent.

Practice of.

Actions are commenced by attachment against the goods, writ to arrest the person, and serviceable writ. In all cases, before issuing the writ or attachment, an affidavit must be made that the cause of action arose within the jurisdiction, or that the defendant resides within it; and to authorize an attachment against the goods, or the arrest of the person, an affidavit of the debt must be made, which, since the late Act, must amount in the latter case to £20. The pleadings are in the same form as in the superior courts, and the rules run from court day to court day. When final judgment is entered, the pleadings and proceedings are regularly made up and engrossed on record. The number of actions commenced in this court were,—

In the year 1829,	120 cases	81 attachments	32 writs against the person.
In „ 1830,	79 ditto	66 ditto	13 ditto.
In „ 1831,	66 ditto	53 ditto	12 ditto, and one serviceable writ.
In „ 1832,	45 ditto	39 ditto	6 ditto.

Thus exhibiting a decline to less than one-half within the four years. This decline is partly attributed to the limitations of the power of arrest to cases of £20 and upwards; but it is evident that this does not account for the great falling off in the number of attachments issued, and that it can only properly be referred to the cause, whatever it may be, which has produced a similar decline in the general business of the superior courts in Ireland.

Costs in.

One month is the shortest time in which a party can have execution, unless by consent. The expense of proceeding to judgment, in this court, is, in defended cases, whenever 40*s.* is recovered, about £9 taxed against the opposite party; in undefended cases, of the same amount, £6 12*s.* 6*d.* In defended cases, when less than 40*s.* is recovered, the Costs are about £2 4*s.*; and in undefended cases, under that amount, the costs are very trifling. The trouble is the same to the attorney in all; counsel's name is put to the pleadings, but it is not required that they should in fact be so signed. The costs are taxed according to a table of fees, a copy of which we annex.

Though counsel attends the trial, which sometimes occurs, no fee for him is taxed against the opposite party.

Attorneys of,

An Attorney, to practise in this court, must be regularly admitted, and on admission he pays the same stamp duty, £20, as on admission to a superior court. A party may conduct his own case, but if he employ a person to act for him, such person must be an attorney of the

YOUGHAL.

court. Three attorneys regularly attend the court, and practise in it. The jurors are summoned from the respectable householders.

Of the actions commenced, very few proceed to final judgment; not more than about 10 in the year: the rest are settled out of court. There is no mode of correcting any mistake in the judgments except by writ of error.

Costs. The Costs of the proceedings are considered much too large even by those who profit by them. And it is conceived, that giving the recorder a limited civil bill jurisdiction, retaining the power of attaching the goods, would be useful.

Officer of Court. The town clerk is the Officer of the Court, and has the custody of its records, which have been regularly preserved for the last 150 years.

Justices. 35. The mayor, bailiffs, and recorder are the only Magistrates who have jurisdiction in the town and liberties, the magistrates for the county of Cork being excluded by charter. No petty sessions are held, each justice takes information separately, but they sometimes consult each other. The person charged, even in cases of misdemeanour, gets no notice of any proceeding being taken against him until he is arrested under the warrant of the magistrate. This practice, it is alleged, leads to the institution of groundless prosecutions, and it appears to have done so in a particular instance which was brought under our notice.

Police. 36. The borough Police consists of a chief constable and eight constables, who are appointed at each October sessions by the grand jury. The high constable is paid by the corporation, as already mentioned; the others receive no salaries, and are changed annually. This is considered by no means an efficient force; the constables, not being paid, are indifferent to the discharge of the duty.

County Police. 37. There is a party of the County Police stationed in the town. They act, when called on, under the orders of the mayor, who is a county magistrate, to preserve the peace in the borough, but do not consider themselves under the control of the bailiffs. It was stated to us that it would be desirable, and it appears expedient, that they should be subject to the orders of all the local magistrates.

Charities. 38. There are two classes of almshouses in the town, one established by the first Earl of Cork, and still maintained by his grace the Duke of Devonshire; the other established by an ancestor of Mr. Power Ronayne, of De'Laughtane, in the county of Waterford, and still maintained by that gentleman. There is a fund also of £567 Irish, in the hands of the corporation, which was bequeathed for charitable purposes, and the interest whereof is annually paid to the rector of the parish for distribution amongst the poor.

Schools. There is an endowed classical School in the town; it was established by the Earl of Cork, and the master is appointed by the Duke of Devonshire. The corporation has no patronage whatsoever.

Property of Corporation. 39. The Property of the Corporation consists of lands and houses, the tolls and customs of the town, and an annuity payable to them by commissioners appointed to build a bridge over the Black Water.

The lands and houses are let partly for ever, partly for long terms of years, and some part at will. The part let on terminable leases produces £170 per annum, and on some of the premises so held a considerable rise is expected, when leases fall in at the end of about 40 years from the present time.

Income. 40. The annual Income derived from the property is as follows:

	£.	s.	d.
Rents of lands and houses	454	8	1
Annuity paid by Bridge Commissioners	400	0	0
Annual sum now derived from tolls and customs, about	60	0	0
	£914	8	1

In addition to the productive property, they have some commons, strips of land, and buildings, that are either used by the public, or at present unproductive and of small value.

Expenditure. 41. This income is expended in the payment of the salaries of officers and servants, and other permanent charges as follows, viz.:

	£.	s.	d.
Salaries of officers and servants	496	2	4
Subscription to the lighting of the town	50	0	0
Interest on charitable fund in their hands	35	1	11
Interest on bond debt	25	0	0
Subscription to the town dispensary	10	10	0
Ditto to newspapers for the mayor	7	5	0
Church-rates, county cess on untenanted premises	1	6	6
Gas light assessment on same	0	18	6
Rent of old custom-house and other premises, taken by the corporation	24	18	5
Treasurer's poundage on about £900	45	0	0
	£696	2	8

which leaves a balance of about £208 to meet incidental expenses, of which a considerable portion has been from time to time expended in repairs of the streets and quays.

Debt. 42. The Debt of the corporation consists of the charitable fund already mentioned,

amounting to £567, and of £500, which was contracted in 1832. It was stated to us that the borrowing of this sum was considered necessary for the purpose of paying to the law agent a bill of costs of £200, and for the repairs of the quay. The bill of costs has not, however, been since demanded or paid, and the sum expended on the quay amounts to but £130: it also appeared that a balance of £898 remained in the treasurer's hands, at the audit of his accounts, in the month of June last. This balance did not produce interest to the corporation, while they are subject to interest on the loan of £500, which constituted part of that balance. We examined the accounts of the treasurer, both before and since this loan, and we were unable to discover any necessity for contracting it.

On part of the charitable fund vested in the corporation they pay interest at the rate of eight per cent.

Law Costs.

42. Under the head of incidental expenses, law costs have been in some instances a very heavy item: the bill of costs for £200, now due, was incurred in suits with respect to the tolls; and a sum of £2000, which was intended for the building of a court-house, was expended in the litigation with the Duke of Devonshire, already mentioned.

Bridge Annuity.

43. The annual sum of £400, payable to the corporation by the Bridge Commissioners, is for interest on £8500, the purchase money of the ferry, which the Bridge Commissioners have the option of retaining for 10 years, from the opening of the bridge, paying a sum of £400 a year to the corporation for interest thereon. This bridge was built under the provision of an Act of Parliament, Government having lent £10,000, and the balance required, £8500, having been raised by shares or debentures, which are now at a considerable discount. The Bridge Commissioners are bound to keep up the ferry, which is still necessary. The bridge was represented to us as of considerable advantage to the town.

Lettings of Property.

44. The Lettings of corporation Property are now made by auction in the Court of D'Oyer Hundred, pursuant to an order of that court. The last lettings took place in the year 1803, when various parts of the soil of the river were demised by the corporation, at small rents. These were the premises subsequently recovered by the Duke of Devonshire: the parts of the corporation property that are held on long leases, are very nearly all in the hands of the members of the corporation, or the descendants of persons who were.

Bye-laws as to Lettings.

A Bye-law of the year 1720 enacted, that no Letting of corporation lands or houses should be made in any other way than by public cant, in the court-house, whereof eight days' notice, at least, should be given in the Court of D'Oyer Hundred; and another bye-law, of the 27th of June, 1755, ordained that no lease in reversion should be taken or granted of any of the corporation concerns, until six months, at least, before the expiration of the old lease; and that one month's notice should be posted up and advertised before the day of the auction thereof, otherwise the lease on such cant to be void and of no effect. This last bye-law was repealed by the Court of D'Oyer Hundred, on the 30th June, 1765; and thereupon, in the same court, it was ordered that leases in reversion should be made of several parts of the corporation property, whereof seven years of the existing leases were unexpired; and by an entry in the corporation book, dated 6th June, 1766, it was ordered that the corporation seal should be affixed to several leases of such parts of the corporation property so ordered to be let in reversion, and yet no entry, of an auction of said lands having taken place between the dates of the two last-mentioned orders, appears on the books, although entries, of other lands having been put up to auction during that period, are recorded therein. These leases so made in reversion were for lives renewable for ever, and appear to have been granted to members of the corporation, and are now for the most part in the possession of their descendants.

Fines on Renewals.

45. Several of the corporation leases are for lives renewable for ever on payment of considerable Fines at the fall of each life. Some of those leases have remained without renewals having been taken or fines paid for many years after the decease of the lives; yet renewals were afterwards granted without any charge of interest on the fines and without charging them septennially, and several leases have been renewed under such circumstances within the last few years. An order has been recently made to alter this practice.

Tolls.

46. The Tolls are of three kinds: the tolls of the fairs and markets, gateage tolls, and harbour tolls, or water bailiff's dues. Tolls were formerly taken from the buyer on every thing sold in the markets on every day in the week, though there are only two market days given by the charter; they were required to be paid on articles exposed to sale in the market, whether sold or not. The fairs are not now held for business; but on the days on which St. Luke's fair should be held, the serjeants at mace were in the habit of levying double toll for their own use.

The gateage toll was taken every day on all commodities brought into the town, whether for consumption or not. The market and gateage tolls have not been collected for some years, in consequence of opposition given by the public; but the corporation still assert their right to collect them.

Harbour Dues.

The river tolls are anchorage and port Dues on goods imported and exported. A sum of about £60 per annum is received by the corporation on account of these tolls, £30 of which are paid under a contract by one individual. These tolls are also resisted, and are by no means generally enforced. A schedule of all tolls claimed by the corporation was affixed at the entrance of the town in 1818, which was alleged to be erroneous, and in consequence of the resistance the schedule was revised in the year 1829, and reduced in amount.

A copy of the corrected schedule accompanies this Report.

Freemen at large and freemen of trade are exempt from payment of all but the market tolls.

YOUGHAL.

Application of Tolls.

There has been no separate account kept of the Application of the Tolls. The markets were represented to us as insufficient for the public business, and one of them is private property.

The gateage, market, and river tolls produced in the year 1822, £649.

Lighting and Cleansing.

47. The town is lighted and cleansed by commissioners appointed under the general Act of the 9 Geo. IV. c. 82. The gas works were originally erected at an expense of £2800, of which a sum of £1600 was borrowed, and is still due. The income of the commissioners amounts to nearly £600 per annum; of this the corporation contribute £50, and the Duke of Devonshire £80, the balance being assessed on the inhabitants. A portion of this annual sum is applied in paying instalments on the loan, the residue in the lighting and cleansing of the town.

Water.

48. The only supply of Water for the public is afforded by two or three pumps, which are maintained by the corporation, though an abundant supply could, as represented to us, be procured at a small expense.

Population.

49. The population, in the year 1831, was,

Of the town	9608
In the liberties not in the town	1719
Total of town and liberties	11,327

Of whom the males were 5146; females 6181.

Occupations, viz.,

Families in the borough, chiefly employed in agriculture	58
Ditto in trade, manufacture, or handicraft	815
Ditto not comprised in the above classes	999

There are registered as voters for Members of Parliament,

Householders	297
Freemen	65
	362

The number of houses in the borough in 1831, were,

Inhabited 1209; uninhabited 54. Total 1263.

There are assessed under the Act for lighting the town,

Houses of £20 annual value and more	176
Ditto of £10 annual value, and not of £20	182
	358

Local Act.

50. The only local Act of Parliament relating to the town is that for the building of the bridge, 9 Geo. IV. c. 53.

Documents herewith sent:

1. Rental of Corporation Property.
2. Schedule of Tolls.
3. Schedule of Fees in Court of Record.
4. Report of the Result of the Litigation with the Duke of Devonshire.

ACHESON LYLE,
PHILIP FOGARTY, } *Commissioners.*

N. B. Inquiry commenced on the 7th of September 1833, and terminated on the 11th of same month.

REPORTS

FROM

THE MIDLAND CIRCUIT.

CONTENTS.

COUNTIES.

CARLOW.	QUEEN'S.
DUBLIN.	ROSCOMMON.
KILDARE.	WESTMEATH.
KING'S.	WICKLOW.
MEATH.	

TOWNS.

1.	Atheoy	County of Meath.
2.	Athlone	Counties of Westmeath and Roscommon.
3.	Athy	County of Kildare.
4.	Ballinakill	Queen's County.
5.	Baltinglass	County of Wicklow.
6.	Banagher	King's County.
7.	Blessington	County of Wicklow.
8.	Carlow	County of Carlow.
9.	Duleek	County of Meath.
10.	Fore	County of Westmeath.
11.	Harristown	County of Kildare.
12.	Kells	County of Meath.
13.	Kilbeggan	County of Westmeath.
14.	Kildare	County of Kildare.
15.	Maryborough	Queen's County.
16.	Naas	County of Kildare.
17.	Navan	County of Meath.
18.	Newcastle	County of Dublin.
19.	Old Leighlin	County of Carlow.
20.	Philipstown	King's County.
21.	Portarlington	Queen's and King's County.
22.	Ratoath	County of Meath.
23.	Swords	County of Dublin.
24.	Trim	County of Meath.

Commissioners.

JOHN COLHOUN, Esq.
HENRY BALDWIN, Esq.

N. B. Mr. Colhoun died before the Reports of this Circuit were completed.

317

REPORT

ON

THE BOROUGH OF ATHBOY.

CONTENTS.

	Page
Limits	119
Corporation by Prescription	119
Charters	119
Act of Parliament	119
Title	120
Corporation extinct	120
Union Compensation	120
Lands	120
Courts	121
Prison	121
Police	121
Fairs and Markets	121
Tolls and Customs	121
Craner	121
Statistical Details	122
State of the Town	122

BOROUGH OF ATHBOY.

1. THE Limits of the Borough of Athboy, as prescribed by the Charter of James I., extend "one mile beyond the town in every direction." They are not defined by known boundaries. LIMITS.

2. A Corporation appears to have existed in Athboy by Prescription. CORPORATION by Prescription.

3. A Charter, dated the 8th of December, 9 Henry IV., (1408,) is enrolled in Chancery. (Rot. Pat. 9 Hen. IV. p. 1, a. 7.) The roll is much obliterated, but the charter is fully recited in a subsequent one of Hen. VI., of which mention will be made hereafter. The charter of Henry IV.,—after stating a petition from the provost and commonalty of the town of Athboy, which set forth, that the town had been from time immemorial an ancient borough, and that the commonalty had always the liberty of electing annually a provost from amongst themselves and of presenting him before the Lord of Athboy, in his castle there, and had before the provost pleas of all personal contracts, arising within the town and liberty, and also pleas of assize of novel disseisin, concerning the tenures of those who were within the metes, by plaint of fresh force before the provost, in the hundred of the lord of the town, from 15 days to 15 days, saving to the lord all the issues, revenues, and profits of said hundred, and of all other courts held by the provost within the town and hundred, together with tolls, tollbolls, and all other customs and rights of the said town, and with the issues, &c. theretofore received by and due to the lords of Athboy, and that said commonalty used to have a weekly market within the town on Wednesday and Thursday, and divers other good usages and customs,—confirmed these privileges as prayed by the corporation, and further granted to the said burgesses, and their heirs and successors, a guild mercatory for ever, with hanse and other franchises and free usages to said guild pertaining; and that the burgesses might have sak, sok, toll, and theam, infangthefe and outfangthefe; and that they should be free of toll, lastage, passage, pontage, stallage, and murage, through all ports of the sea, and throughout the King's dominions; and that in all personal pleas before the provost, process should be made by summonses, attachments, distraints, or *capias*, as the case required; and that they might have one fair in the town in every year, to be held during 15 days, viz., on the eve, day, and morrow of the apostles Philip and James, and 12 days ensuing, with all franchises and free customs to such fair pertaining, and all the issues, amercements, and profits thereof for the use of the town, with other privileges then important. CHARTERS. 9 Henry IV., 1408.

By charter bearing date the 4th of January, 24 Henry VI., (1426,) enrolled in Chancery, (Rot. Pat. 39 Elizabeth, p. 1, a. 64,) and also in the Exchequer, (Rot. Mem. 10 Edward IV. m. 17,) the foregoing charter was inspected and confirmed, and additional customs were granted for a term of 60 years, and an exemption from plough land silver, and other subsidy. 24 Henry VI., 4th January.

There appears on the statute roll of 2 Edward IV. c. 9, an Act of Parliament, whereby, after stating that divers grants had been made by Henry VI. of divers customs to be levied within the towns of Trim, Naas, Le Navan, Athboy, Kenlis, and Fowre, and within the franchises of same, for murage, pavage, and repair of the bridges of said towns; and that some held an opinion that these grants so made by Henry VI. were become void, but that if the said customs should be withdrawn from the said towns, it would be to the very great disadvantage of them, it was ordained, that every such grant of customs, to be levied in each of said towns and the franchises of the same, should be ratified, approved, and confirmed in all points: provided always, that said Act should not be prejudicial to the city of Dublin or the towns of Drogheda, Atherde, or Scryne. Act of Parliament, 2 Edward IV. c 9.

Henry VII., in the ninth year of his reign, confirmed the Charters of Henry IV. and Henry VI.

By a King's Letter, bearing date the 30th of September, 7 James I., and enrolled in Chancery, (Rot. Pat. 7 Jac. I. p. 2, m. 22, d.) James, after informing the chief governor and chancellor of Ireland that the portreeves, burgesses, and commonalty of Athboy had presented their humble suit that he would be pleased to accept at their hands a surrender of all their houses, gardens, lands, tenements, rents, reversions, and other hereditaments, in the town of Athboy, or elsewhere, in the county of Meath, and thereupon regrant the same unto them by letters patent, to hold all and singular the premises, with their appurtenances, to the portreeve, burgesses, and commonalty of the town of Athboy, their heirs, successors, and assigns for ever, without fine, to be holden of him, his heirs and successors, in free and common soccage, as of his castle of Dublin, and not *in capite* nor by knight service, commanded the chief governor and chancellor, upon receipt of his letter, to take a surrender thereof at the hands of the portreeve, burgesses, and commonalty, and thereupon to cause a grant to be made of the premises, with their appurtenances, to be passed by letters patent to the said portreeve, burgesses, and commonalty, and their successors, in form above mentioned, reserving to the King, his heirs and successors, such rents, duties, and services, as were then yielded to his Majesty by them for the same, and he therein stated his pleasure to be that no mention should be made in the letters patent of any surrender, lest thereby any defect might be in his said grant. King's Letter, 30th September, 7 Jac. I.

A Charter was accordingly granted, which bears date the 4th of March, 9 James I., and is Charter, 9 Jac. I., 4th March.

ATHBOY.

enrolled in Chancery. (Rot. Pat. 9 Jac. I. p. 4, m. 23.) This charter inspected and confirmed those of the 9 Henry IV., 24 Henry VI., and 9 Henry VII.

It vested the right of election of the portreeve in the majority of the burgesses and freemen, and of the burgesses and all inferior officers in the corporation at large. It appointed the portreeve to be a justice of the peace within the borough, and prohibited all other justices from acting therein. It contained a grant of a Court of Record, with jurisdiction to £10, of a weekly market on Tuesday, and of an annual fair on the feast of Saints Simon and Jude, and the four days following, with the tolls of the fair and market.

It proceeded to regrant the corporation property, pursuant to the King's letter, and without any allusion to the surrender made for the purpose. The property granted consisted of houses and tenements in the town and neighbourhood of Athboy; of tenements and lands in the towns of Navan, Trim, and Cowlronan, and chief rents, together with very considerable landed property, some of it identified by the mention of its then possessors.

5 Jac. II., 19th April. The last charter relating to this borough bears date the 19th of April, 5 Jac. II., and is also enrolled in Chancery. (Rot. Pat. 5 Jac. II. p. 1, m. 13, No. 17.) Being of a date subsequent to the abdication of James, and founded on a supposed forfeiture of the franchises by a judgment in *quo warranto* of the Court of Exchequer, (an illegal judgment,) this was a void charter, and the corporation was governed by that of James I.

Title. 4. The Title given to the corporation by the charter of 9 James I., was that of "The Provost, Free Burgesses, and Commonalty of the Town of Athboy."

Corporation extinct. 5. This corporation has become extinct. Prior to the year 1801, the borough returned two representatives to the Irish Parliament. The privilege of voting was exclusively exercised by the members of the corporation, and the body seems to have been kept up for the purpose of making such elections, and not with the object of exercising any municipal rights. The Earls of Darnley were the "patrons," and at the period of the legislative Union a sum of £15,000 was paid as Compensation, on account of the loss of the elective franchise, to the trustees of the will of John, then late Earl of Darnley, to be applied upon the trusts of that will. Upon its disfranchisement as a Parliamentary borough, the corporation fell into disuse. I was not able to discover any books, or other documents, of the corporation, or that any member of it was alive.

Union Compensation.

Lands, &c. 6. The map and reference of the Down Survey, which related to Athboy, are partly burnt. Upon the portion of the former which remains, there are two parcels of Land, described as "Commons of Athboy," one containing 65A. 0R. 16P. and the other 58A. 2R. 16P. The charter of James I. granted to the corporation—

Four messuages and their appurtenances outside the east gate of Athboy, on Knockauley mountain;

Nine messuages, with their appurtenances, in Trim-street, and its lane on the eastern part of the bridge in Athboy;

Ten messuages in the East-street of Athboy, on the eastern side of the market cross.

Thirteen messuages, in the High-street of Athboy;

One shop and cellar, in same street;

Seven messuages, outside the gate of Athboy, called John Raie's Gate;

Five messuages, in le Conaght-street, in Athboy;

Four parks, on the south side of the Cemetery of Athboy;

Seven acres of enclosed meadow land, on the west side of the river of Athboy, next to the lands of Cloning;

Seven parks, called the West Parks;

One hundred and eighty acres, in the fields of Athboy, within the liberties on either part of the town;

St. Catherine's Weir, on the river of Athboy;

A clothmill and water-course on same, near Ferrenecrohie;

Five messuages, in Trim;

One park and dovecot, outside the gate of Trim, called Blaygh-gate, within liberties of Trim

One acre, in Drueston;

Half an acre, in Cowlronan;

One messuage, three acres, and three roods of land, in Curraghton;

Three messuages, with their court yards and gardens, and twenty-four acres, with their appurtenances, in Chamberlaynstown;

One messuage, in Ardmulchan;

One messuage, within the walls of the town of Navan;

Two acres of meadow, in one close, three roods of brambles, in Balreaske, near Navan;

A chief rent of 20*d.* Irish, out of a messuage and court-yard, in Athboy, on the northern part of the bridge;

A chief rent of 2*s.* 8*d.* Irish, out of two messuages outside the West Gate;

An annual rent of 10*s.* Irish, out of forty acres of Lord Gormanstown's lands, in Pluckston, in Meath;

And "all messuages, tofts, gardens, lands, tenements, mills, rents, reversions, and services, and all other the King's hereditaments whatsoever, in the town and fields and lands of Athboy, in Meath;"

(Saving one messuage, with a garden, and sixty acres, in the town and fields of Athboy; an annual rent of 50*s.* Irish; another messuage and garden, in Athboy; and an annual rent of 10*s.* Irish;)

To have, hold, and enjoy all the premises (except as above excepted) to the provost, free burgesses, and commonalty of Athboy, and their successors for ever, to their own proper use and behoof; to be held of the King in free and common soccage, as of his castle of Dublin,

in free and common soccage by fealty only, and not *in capite*, nor in soccage *in capite*, nor by knight's service.

The commons and the landed property, granted by the charter of James to the corporation, have been estimated as containing about 800 acres, but there are not now any commons or other lands applied to public uses in the town.

Evidence respecting.

Evidence was adduced to show that this property, with the exception of a small portion, which, it was alleged, is now in the hands of Sir Thomas Chapman, is in the possession of the Earl of Darnley. The denominations of "Knockshangan," on the west of the town, containing nearly 100 acres; of "the Stocks" on the south-west, containing upwards of 100 acres; a farm, called "the Eighty-eight Acres;" "Forerath" and "Mullockstone;" which are all held by the under tenants of Lord Darnley, were particularly mentioned as being portions of the land granted to the corporation. They were stated to have been in the possession of the Darnley family for upwards of 60 years, but how they passed into their possession was not shown.

Lambert Disney, Esq., land-agent to the Earl of Darnley, declined making any disclosure of his lordship's title to the above-mentioned lands, beyond stating that Lord Darnley held some of the denominations by virtue of a grant from King Charles II. to one of his ancestors, and that he (Mr. Disney) was not aware of his lordship's possessing or claiming any property under or derived from the corporation of Athboy. It is observable that not one of the above denominations is named in the charter of James I. However, they were particularly mentioned at the Inquiry as having been portions of the corporate property, and they may have passed under the general grant of "all lands, tenements, &c., in the town and lands of Athboy," contained in that charter. Lord Darnley being the principal proprietor of the town and neighbouring lands, it is suspected that at least some of the property granted by the charter to the corporation has passed into his possession; but in the absence of all information on this subject from his lordship's agent, I am unable to state the mode in which he acquired any such property. No registry of a conveyance from the corporation to any of his lordship's family has been discovered on record.

It was asserted that a person of the name of Shore, who had been a member of the corporation upwards of 20 years ago, sold a portion of the commons to Sir Benjamin Chapman, for a sum of £1900, and that of this portion the Chapman family are still possessed.

Courts.

7. There is no Court held here save a Court of Petty Sessions, which sits on Thursday in each week, and at which county magistrates preside.

6 Will. and Mary, 4th June, Patent.

By Patent, dated the 4th of June, 6 Will. and Mary, and granted to Thomas Bligh, Esq., (the ancestor of the Earl of Darnley,) "the town's-lands and commons of Athboy," together with several other denominations of land in the parishes of Rathmore, Mayagher, and Kildalky, all in the barony of Lune and county of Meath, were erected into a manor, and a power was given to Thomas Bligh, his heirs and assigns, to hold a Court Leet twice a year, and a Court Baron every three weeks, or seldomer, before a seneschal, to be appointed by him or them.

It would seem that no Manor Court has been held, or seneschal appointed, for 35 years.

Prison. Police.

8. There is no Prison, and offenders committed from the district are sent to the county gaol at Trim. One chief constable and 12 others of the county constabulary are stationed in the town.

Fairs and Markets. 33 Car. II. 24th August, Patent.

9. In addition to the grants of Fairs and Markets made to the corporation, as already mentioned, it appears that by Letters Patent, bearing date the 24th of August, 33 Charles II., and enrolled in Chancery, (Rot. Pat. 33 Car. II., p. 1, m. 36,) power was given to Thomas Bligh to hold four fairs annually at Athboy, with all tolls and profits of entry of chattels and goods to be sold pertaining to such fairs for ever.

Thursday in each week is market day, which is one of the days mentioned for the market in the grant from Henry IV. to the corporation, and four fairs are annually held; one of them (7th November) is a fair included in the grant of James I. to the corporation, and also in the patent of Thomas Bligh; the fair on the feast of St. Philip and St. James, (1st May,) granted to the corporation, does not appear to be held.

Tolls and Customs.

10. Tolls and Customs were collected here up to 1828 by the lessees of the Darnley family, who claimed them as their private property. From about 1822 they were let at about £20 a year. In 1828 the public forcibly resisted the collection, and it was abandoned. No attempt has since been made to resume it. Toll was reserved to the "Lords of Athboy" by the charter of the 9 Henry IV. It already appears by the statute of 2 Edward IV. c. 9, that murage customs were granted to the corporation by King Henry VI. The Act of Edward IV. had not the effect of continuing the tolls granted by the charter of Henry VI. beyond the period for which they were thereby given, namely, for 60 years.

Craner.

11. There is a public crane in the market: the Craner is appointed by Lord Darnley. He formerly paid rent for the situation, but does not at present, as the receipts scarcely cover the expenses. Contrary to the Act of Parliament, (25 Geo. II. c. 15,) he charges 1*d.* a sack for weighing potatoes.

ATHBOY.

STATISTICAL DETAILS.

11. According to the enumeration of 1831,

The population of the town then amounted to	1959
Their occupations were as follows:	
Families chiefly employed in agriculture	133
Ditto in trade, manufactures, &c.	155
Ditto not comprised in the two preceding classes	81
Labourers employed in agriculture	179
Persons employed in retail trade, or in handicraft, as masters or workmen	236
The number of houses were,	
Inhabited	336
Uninhabited	8
Building	2

12. The town is now the property of the Earl of Darnley. It is poor, and does not appear to be improving. There are about 30 houses of the annual value of £10 and upwards.

There are extensive flour-mills in the town.

HENRY BALDWIN.

Inquiry held on 10th and 13th September 1833.

REPORT

ON

THE BOROUGH OF ATHLONE.

CONTENTS.

	Page
Limits	125
Charters	125
"New Rules"	126
Title	126
Classes	126
Officers	126
Sovereign	126
Bailiffs	127
Burgesses	127
Freemen	127
Recorder	128
Deputy Recorder and Town Clerk	128
Serjeant at Mace	128
Billet Master	128
Common Council	128
Ruling Body, Remarks on	128
Fees	128
Bye-laws	128
Civil and Criminal Jurisdiction	129
Quarter Sessions	129
Petty Sessions	129
Exclusive Jurisdiction	129
Manor, Seneschal's Court	129
Sovereign's Office	130
Borough Court	130
Juries	130
Police	130
Prisons	130
Public Schools and other Charities	130
Fines	131
Lands	132
Tholsel	132
Income	132
Markets and Fairs	132
Tolls and Customs	132
Agreement	132
Schedule	133
Accounts	134
Streets, &c.	136
Patronage	136
Local Acts	136
Statistical Details	136
General Remarks	136
Documents sent	137

BOROUGH OF ATHLONE.

1. THE Limits of the Borough of Athlone, as prescribed by the governing charter, extend to "all that whole circuit and extent of land and water, lying within the compass of one mile and a half, from the middle of the bridge over the Shannon, commonly called 'The Bridge of Athlone,' directly forth in a right line every way round, except the castle of Athlone, and the precinct thereof;" and such have been the limits acted on by the corporation, although no defined boundaries exist. As regards representation in Parliament, the limits have been considerably abridged by the Act of the 2, 3 William IV. c. 89. The new limits include the entire town and a very small surrounding district, and, except on the Roscommon side beyond the canal, where they appear to be too circumscribed, seem to comprise all that is peculiarly connected with the town, and to be the boundaries which should regulate the municipal jurisdiction. LIMITS.

2. This borough was first incorporated by a Charter, dated 16th December, 4 James I. (A. D. 1606,) enrolled in Chancery; (Rot. Pat. 4 Jac. I. p. 2, m. 1;) a charter was subsequently granted, dated 29th October, 3 James II., (A. D. 1687,) enrolled in Chancery. (Rot. Pat. 4 Jac. II. p. 1, m. 33.) This latter charter was founded upon a judgment of forfeiture of the former one upon a *quo warranto*, obtained in the Court of Exchequer; but it having been decided that a judgment by the Exchequer in such case was void, the former has since been and still is the governing charter, and the latter does not appear to have been acted upon since the accession of William III. CHARTERS. 4 James I. 5 James II.

The charter of James I., after prescribing the limits, directs that the corporation shall consist of one sovereign, two bailiffs, twelve burgesses, and "as many freemen as the sovereign, bailiffs and burgesses, shall think fit to choose or admit, according as the number of inhabitants shall increase." It names the first sovereign and 12 persons to be "free burgesses, and to be of the common council of the said town." It gives to the sovereign the power to substitute, in his absence, a person to be his vice-sovereign, with the consent of the bailiffs and majority of the burgesses. It authorizes the sovereign, bailiffs, and two or more of the burgesses, to hold a court from three weeks to three weeks, for all actions arising within the district to the extent in value of £5, with like jurisdiction as the corporation of Wexford have in their court. It gives to the corporation at large the power of making bye-laws in their public council; and to the sovereign, bailiffs, and burgesses the power of electing and nominating a recorder and town clerk during good behaviour, with like jurisdiction as the recorder and town clerk of the city of Dublin. It ordains that the sovereign or vice-sovereign, and the recorder, shall be justices of the peace within the borough, and expressly forbids all sheriffs, justices of the peace, constables, or other officers of the counties of Westmeath and Roscommon, other than the officers ordained in this charter, to intermeddle or execute their office or offices within the said town or the liberties thereof. It ordains that the sovereign shall be coroner, escheator, and clerk of the market; that the sovereign, bailiffs, and burgesses may appoint a water bailiff, two serjeants at mace, and inferior officers, and that the offices of sovereign and bailiffs shall be annual; that the burgesses and freemen shall have free election to choose the sovereign from the 12 burgesses, and the bailiffs from the freemen, and also to choose the burgesses and freemen. It appoints the 1st day of August, yearly, to be the day for the elections of the sovereign and bailiffs, who are to be sworn on the feast day of St. Michael following, before the recorder and two of the most ancient burgesses. It grants to the sovereign, bailiffs, burgesses, and freemen, and their successors for ever, one moiety of fines and forfeitures, and of all kinds of tolls and customs, as well of the said bridge of Athlone, as all other whatsoever happening, arising, or being found within the limits of the town, at a rent of 3*s.* 4*d.* yearly, provided that the same be "by them employed in the making and repairing one moiety of the bridge, and of the ramparts and fortifications;" the other moiety to remain to the castle of Athlone; the corporation to sustain that moiety of the bridge which is next to the county of Westmeath: and it ordains that the constable of the castle shall be a burgess, in addition to the 12. It contains a grant of a weekly market on every Thursday, and of two annual fairs, the one to begin on the Ascension day, and to continue for two days following, the other to commence on the feast of St. Bartholomew the Apostle, and to hold for the two following days, with a Court of Pie Poudre, and half the profits and perquisites, tolls, and customs, to the said markets, fairs, and court belonging; the other half or moiety being reserved to the said castle of Athlone. It grants to every member of the corporation a freedom throughout Ireland from all tolls, taxes, and talliages, except custom payable to the King, his heirs and successors, for any woollen cloth and yarn commodities, or merchandises, and that neither the sovereign, bailiffs, burgesses, or freemen, nor any of their successors, shall be empannelled on any jury for the trial of any cause between any of the King's subjects, out of the bounds and limits of the town. It directs that no foreigner shall set up or use any trade or manual occupation within the limits but such as shall be admitted to be a freeman, and it grants to the corporation such and so many liberties, franchises, 4 James I. Provisions of.

privileges, rights, jurisdictions, and authorities, as the town of Wexford had or ought to have, by virtue of any charter, or lawful use, custom or prescription, whatsoever.

ATHLONE.

16 James I., 22d February.

By charter bearing date the 22d of February, 16 James I., and enrolled in Chancery, (Rot. Pat. 16 Jac. I. 6 a. p. m. 5,) that monarch granted to certain of the Protestant inhabitants therein named, houses and gardens in the town, and the 42 acres of land in the county of Westmeath, adjoining the town, reserving certain quit rents thereon; and he further granted to the sovereign, free burgesses, and commonalty, the power of holding a free market on every Saturday, on the Roscommon side of the town, and a fair on Monday after Epiphany, and two days following, with a moiety of the tolls. He constituted the sovereign to be master of the assay, and a justice of the peace throughout the counties of Westmeath and Roscommon.

17 James I., 17th May.

By a King's letter, bearing date at Westminster, the 17th day of May, in the seventeenth year of James I., for strengthening the Roscommon side of the town, the King authorized his deputy, and chancellor of Ireland, with the advice of his council there, to grant such estates in fee farm, under the great seal, to such persons as his president should nominate, of houses and gardens on the Roscommon side of the town, and also of the parcel of land called the Monks-land, containing by estimation two quarters of land, with as much of the customs and profits of the bridge of Athlone, and of the fairs and markets of the town as were not then already granted, reserving rents to the Crown.

17 Charles II., 22d February.

King Charles II., by charter bearing date the 22d February, 17 Car. II., and enrolled in Chancery, (Rot. Pat. 17 Car. II. p. 1, m. 25,) granted to the sovereign, bailiffs, burgesses, and freemen the power of holding a fair on the 10th of March, and two succeeding days, in that part of the town which lies in the county of Roscommon, with the tolls of that fair, at a rent of 5*s*.

"New Rules," 25 Charles II.

In the "New Rules" of 25 Car. II. made by the Lord Lieutenant and Privy Council, pursuant to the Acts of Settlement and Explanation, (14, 15 Car. II., and 17, 18 Car. II.,) Athlone is specially mentioned, and it is provided that the names of the persons elected to serve the offices of chief magistrate, recorder, or town clerk, should be presented to the Lord Lieutenant and Council, for their approval; and the sovereign having been eligible under the charter, within three months before the day of entering on his office, it is required that he should be elected on the day three months preceding his commencing to act.

Title.

3. The corporation is entitled by the charter of James I. "The Sovereign, Bailiffs, Burgesses, and Freemen of the Town of Athlone."

4. And it consists of the classes enumerated in the title.

Officers.

5. The Officers are

1 Sovereign,
2 Bailiffs,
13 Burgesses, including the Constable of the Castle.
1 Recorder,
1 Town Clerk,
1 Serjeant at Mace, and
1 Billet Master;

and there is a select body called the "Common Council."

Sovereign.

The Sovereign is elected annually by the common council out of the body of the burgesses, to serve for one year, from the 29th of September. In practice, three burgesses are named for the office by the council, on the 24th of June, and one of the three is afterwards, on the 29th June, elected by the majority of the same body. There has not been, within recollection, a contest for the office.

There is no modern instance of a person being elected sovereign for two successive years; but the same individual has constantly acted for many years as sovereign and vice-sovereign alternately. This frequently occurred in the persons of Richard Handcock, sen. Esq., brother of Lord Castlemain, and of Richard Handcock, jun. Esq., his lordship's nephew. The former was sovereign, or vice-sovereign, from 1798 to 1816 continually. In 1816 he was succeeded by the latter, who acted until 1826. Though a vice-sovereign has repeatedly been appointed, yet until last year the approval of the bailiffs and the majority of the burgesses to the appointment was not obtained, as required by the charter.

Functions of.

The sovereign or vice-sovereign is a justice of the peace, and transacts the general magisterial business of the borough. He is escheator, and clerk of the market, and occasionally attends to its regulation; but this duty has by no means been diligently performed. He rarely inquires after fraudulent weights and measures. He is coroner within the district, and has acted as such. He is returning officer at elections for Members to serve in Parliament.

When the civil court of the borough was held, he presided in it; but the court has not sat for the last 12 or 15 years.

Salary.

The sovereign or his deputy receives a Salary of £100 a year, which is paid out of the tolls and customs. This payment appears to be contrary to the provisions of the charter, which directs that the moiety of the tolls granted to the corporation shall be expended on the bridge, &c., and by what right or under what authority it is made I was unable to discover. Formerly the office was much more lucrative than it is at present, and while it was so it was invariably filled by a member of the Handcock family. At present, the sovereign or vice-sovereign does not appear to derive any emolument from the office beyond the salary of £100 a year, and he enjoys no privilege save that of being for his year of office a member of the common council. The present sovereign (1833) is non-resident, and acts by deputy; the name of the latter is William Marshall. He has acted as such since the 4th of August 1832.

ATHLONE.

The Bailiffs are elected from the freemen by the common council on the same day as the sovereign, and to serve for the same period.

Bailiffs, how elected.

They do not now perform any functions distinct from those which they exercise as a managing part of the corporation, save that of occasionally signing attachments, to which I shall presently allude.

Functions.

They are *ex officio* members of the common council, during their year of office, which is the only privilege they now exercise.

Privileges.

They received a Salary of £8 a-year each out of the tolls and customs: it was not stated by what authority this payment was made. It has been discontinued within the last few years, on account of the low state of the funds of the corporation. Their only emoluments at present are derived from fees on attachments, which amount to a very inconsiderable annual sum.

Salary.

Burgesses are elected for life by the common council, of which body, according to the practice of the corporation, 12 ought to be present to constitute an election. They are selected from the freemen; there is no other qualification.

Burgesses, how elected.

No Roman Catholic or other Dissenter has ever been a burgess. Indeed, this body is almost confined to the family of Lord Castlemain, the "patron" of the corporation. The following list of the present burgesses (1833) justifies this observation:

List of.

Richard Handcock, sen. - -	admitted	29th June 1790
Richard Handcock, jun. - -	„	12th June 1815
Rev. John Gustavus Handcock	„	9th July 1821
Henry Robert Handcock - -	„	4th Dec. 1824
George Handcock - - - -	„	10th May 1826
Charles Handcock - - -	„	4th July 1831
Richard Telford - - - -	„	29th April 1794
Richard Cuppaidge - - -	„	24th June 1797
The Archbishop of Tuam - -	„	30th June 1800
Lord Ashtown - - - - -	„	same date.
Hon. Wm. Le Poer Trench -	„	4th August 1826, and
Joseph Morgan Daly - - -	„	5th August 1829.

The first six are of the immediate family of Lord Castlemain; the seventh and eighth were stated to be his nephews, the ninth, tenth, and eleventh to be connected with him by marriage, and Mr. Daly was said to be the only burgess not connected with or related to his lordship. Of the burgesses three only are resident, namely, Richard Handcock, sen., Richard Handcock, jun., and Charles Handcock. Lord Castlemain is himself a burgess, as constable of the Castle.

Burgesses perform no Functions except those which they exercise as general members of the corporation.

Functions of.

They have no salary or other emolument, nor any privilege save eligibility to corporate offices and exemption from toll. When a vacancy occurs in the number of the burgesses, an extraordinary meeting of the common council, of which four days' notice is given, is, as speedily as possible, convened to supply it. Such notice, however, appears insufficient under the statute 1 Geo. II. c. 9, s. 9.

6. Freemen are elected for life by the common council, of which the same number must be present as at the election of a burgess. There is no inchoate right to freedom acknowledged and all are admitted by grace especial: there is no qualification required.

Freemen, how admitted.

There are at present 227 freemen on the books, of whom 98 are resident within the limits prescribed by charter, and 86 within those marked out by the Boundary Act. About 176 have been admitted since the year 1823, and of these 165 were admitted on the 24th June 1831.

Number of.

Of the 165 thus admitted, 10 were under the age of 21 years, and 9 were Roman Catholics.

The return of the Member to serve in Parliament for the borough having been for the first time contested with the nominee of Lord Castlemain, at the general election in 1830, this admission of 165 persons took place for the purpose of increasing the constituency in the interest of his lordship's family; but honorary freemen admitted subsequently to the 30th March 1831, having been declared by the Reform Act not to be entitled by virtue of such admission to vote as freemen at elections for Members of Parliament, and the object of these admissions having been thus frustrated, 157 of the 165 omitted to take the oaths of freemen, and have not since been sworn.

There is no entry made in the corporation books of a refusal on an application for freedom. It appeared, however, that in the year 1829, 350 residents, comprising most of the respectable inhabitants, applied to be admitted free, and tendered £1 each, with their petition, to the sovereign, but being supposed to be hostile to the Handcock family, they were all refused admission, and not one of these 350 was included in the 165 persons subsequently admitted on the 24th June 1831.

Some of the 350 took the oaths of allegiance, &c. before a justice of the peace for the next county, and attempted afterwards to vote at an election for a Member of Parliament; but a committee of the House of Commons decided against their claim, apparently on the ground that they had not been sworn six months before the election.

Freemen are exempt from toll, and are eligible to be elected common councilmen and burgesses; and resident freemen admitted before March 1831, and duly registered, vote at elections for a Member to serve in Parliament. They have no other privileges or functions, nor

Privileges of.

ATHLONE.

any salary or other emolument. Members of the corporation are not in practice exempt from serving on juries out of the limits, or from payment of tolls and customs in other places.

There are 10 Roman Catholics, and three other Dissenters, free of this corporation.

The clause in the charter, prohibiting foreigners from trading until admitted free, is not attended to; and there is no trace of its ever having been acted on. In fact, it may be here generally observed, that although such a clause exists in many of the charters of the towns I visited, in no one instance have I found it enforced.

Recorder.

The present Recorder is a barrister and non-resident. This officer is appointed by the common council during good behaviour.

The recorder is a justice of the peace within the borough; he does not act as such, and has no other functions to perform.

He has no salary nor emolument. Until about seven years ago he received £10 a year out of the tolls and customs.

Deputy Recorder and Town Clerk.

The Town Clerk, who is also Deputy Recorder, is appointed by the common council during good behaviour; there is no qualification for the office. As deputy recorder he has no functions to perform. His duties as town clerk are to attend the common council, to keep the corporation seal and books, and enter the proceedings in the latter; and he attends the sessions under the Reform Act, held by the assistant barrister of Westmeath, for the registering of voters for the borough. He has had at all times a salary of £10 a-year, and for the last seven years he has had in addition the £10 a-year, which was formerly paid to the recorder. The payment of these salaries out of the tolls does not appear to be warranted.

Serjeant at Mace.

There is but one Serjeant at Mace; he is annually appointed by the sovereign, but the same person is usually continued in office. He acts as constable in the borough.

He receives a salary of £12 a-year out of the tolls, and £2 a-year for the diet of prisoners.

Billet Master.

The Billet Master is appointed in the same way, and for the same term; he receives a salary of £10 a-year out of the same fund.

The observation I have made on the payment of the other salaries applies equally to these. The salaries amount annually in the aggregate to £142.

Common Council, Number of.

7. There is a Common Council, consisting at present of 20 persons, including the sovereign and vice-sovereign, and the two bailiffs, who, as already observed, are all members *ex officio* during their year of office. It was stated that there was no list of this council in the books of the corporation.

How elected.

The elections are for life, and are made by the common council itself out of the burgesses and freemen; there is no other qualification. Burgesses are not, as such, suffered to act as members of the council, although the charter prescribes that the 12 burgesses therein named shall be of the council. Seven of the present council are resident, and 13 non-resident. It was stated that there is no restriction as to the number of this body, but that it seldom exceeded 20. It is remarkable, that with respect to it, we could obtain very little information, even from the members of the corporation.

No Roman Catholic has ever been a member of this body. There is one Protestant Dissenter at present belonging to it.

Functions.

The common council now elect all the officers, and are supposed to audit the accounts of the corporation, which they certify. It did not appear, however, that any account was ever investigated by them, and during the sovereignty of Richard Handcock, sen., they frequently refused to do so, and passed the accounts on his representation.

They have no emoluments, nor privileges, save as above mentioned.

Ruling Body, Remarks on.

8. The management of the affairs of the borough is nominally vested in the common council, but in reality the entire control of the corporation is exercised by Lord Viscount Castlemain. The "Borough" formerly belonged to the Handcock and St. George families. The present Lord Castlemain purchased from Sir Richard St. George his interest therein, and from the period of that purchase has exercised over it complete dominion.

The forms of election by the council are regularly observed, but the elected are either the nominees of his lordship, or persons notoriously in his interest.

The right of electing the officers is granted by charter to the sovereign, bailiffs and burgesses. How it came to be exercised by the common council did not appear. In effect, however, there is little difference, as this body consists of the sovereign, and bailiffs, and generally of the burgesses, together with a very few of the freemen.

The power of self-election exercised by this body, possessing, as it in form does, the whole management of the corporation, enables its "patron," however extended the number of freemen may be, to maintain a perfectly close and exclusive corporation.

So secret are the proceedings of this self-elected and irresponsible body, that even burgesses and freemen, not members of it, are excluded from its meetings.

Fees.

9. There are no Fees payable on admission to freedom or on election to any office in this corporation.

Bye-laws.

10. The charter gives the power of making Bye-Laws to the whole body in their public council. It has been seldom exercised. Bye-laws, when enacted, have been made by the common council. They are scattered through the corporation books; there are nine volumes of these books, seven of them are council books, one an old court book, and one a book of forms of the court, &c.

ATHLONE.

11. The river Shannon, which runs through and divides the town into two nearly equal parts, also separates here the provinces of Leinster and Connaught: one portion of the town is in the county of Westmeath and province of Leinster, the other in the county of Roscommon and province of Connaught. This circumstance gives rise to several Jurisdictions within the borough, and leads to inconvenience and confusion in the administration of justice. Jurisdiction.

Quarter Sessions for the division of Moat, in the county of Westmeath, including the portion of the borough on the Leinster side, are held four times a-year, in the town of Moat, distant about eight miles from Athlone, and for the county of Roscommon, on the Connaught side, twice a-year in the town of Athlone, and twice in the town of Roscommon, distant about 15 miles. Quarter Sessions.

Petty Sessions are held within the limits at both sides of the river, at which county magistrates preside; they do not, however, in general, take cognizance of offences committed within the jurisdiction of the corporation, being expressly prohibited from so doing by the charter of James I. A case was mentioned to us, which furnishes at once an instance of interference of certain county justices in co-operation with the sovereign, and of a successful assertion on the part of that officer of the exclusion of such Jurisdiction, when other county justices were about to act in the town. In the year 1825, a person of the name of Francis Quigley tendered informations at petty sessions held on the Roscommon side, before Richard Handcock, junior, vice-sovereign, R. Handcock, senior, and William Cooke, Esquires, county justices, against some of the borough constables, for an assault alleged to have been committed in collecting toll. These magistrates having declined receiving his informations, Quigley tendered them to county magistrates sitting at petty sessions, at Lesterfield, in the county of Roscommon, the nearest sessions on that side of the river. Petty Sessions. Exclusive Jurisdiction.

The constables, although summoned, did not attend at Lesterfield, and the magistrates declined further to interfere, on the ground that they had been cautioned, by letter, received from the vice-sovereign, against so doing, the cause of complaint having arisen within the borough. A copy of this letter, which bore date, "Athlone, 21st of December 1825," and was signed R. Handcock," was procured from the magistrates. After stating that the case had been "minutely examined into and disposed of by the vice-sovereign of the town, and two magistrates of the county of Roscommon, in petty sessions assembled," it proceeds thus: "I would suggest that it would be prudent for you not to interfere in matters that take rise within this borough, in which no magistrate is authorized to act without the sovereign's consent. Should any other magistrate interfere within our limits, he shall answer to the Chancellor for his conduct and the Court of King's Bench."

From the statement upon this subject, it would seem that the acting sovereign assumed the power of allowing or of prohibiting the interference of county justices, in other words, of acting, in the absence of the other charter justice, the recorder, as sole magistrate within the limits, or of associating with himself individuals of his own selection. In the instance just mentioned, the magistrates, whom he permitted to act with him in the adjudication of a question arising out of a corporate claim, were both members of that body, namely, the ex-sovereign and the person whom, in the succeeding year, I find filling the office of deputy sovereign; and the prohibitory privilege was asserted in favour of his own officers. It is obvious that the power thus claimed by the sovereign, might be exercised to a most mischievous extent, and to procure for the collectors and servants of the corporation an almost perfect impunity in their contests with the inhabitants, more especially as the vast majority of those with whom they are committed, are poor, and without the means of resorting to superior courts for redress.

As the recorder is non-resident, and performs no magisterial duty, the effect of the exclusion of county justices seems to be, that there is no legal mode of disposing of that class of cases which ought to be adjudicated upon by two justices of the peace.

King Charles II., by letters patent bearing date the 18th December, in the twenty-seventh year of his reign, (Rot. Pat. 27 Car. II. p. 4. m. 28,) granted to Richard Lord Ranelagh, his heirs and assigns, the half quarter of land of Athlone, *alias* Beallagh, with the Manor, castle, &c. of Athlone, with power to hold Courts Leet and Baron within the manor. 27 Charles II. Manor of Athlone.

These courts are not now held, nor did I discover any trace of their having existed in former times.

There is, however, a Seneschal's Court, which claims jurisdiction over part of the borough on the Leinster side. Seneschal's Court.

The seneschal was described as "Seneschal of the Manor of Treyford," to which he was appointed by Lord Castlemain. He holds his court at Moat, and entertains claims to the amount of £2 late Irish currency. The limits of his jurisdiction were not defined to me, and appear to be questioned. It was stated that when his process was against an adherent of the corporation, the sovereign interposed and repudiated his jurisdiction, but when it was against an opponent of that party it was suffered to take its course. Manor of Treyford.

I have discovered on the Rolls of Chancery, (Rot. Pat. 33 Car. II. p. 1. m. 14,) the patent under which this seneschal was appointed. It bears date the 12th February, 33 Charles II., and erects several denominations of land, therein stated to contain about 5000 acres, and lying in the baronies of Clonlonan, Moycashel, and Kilkenny West, and in the territory of Brawney, into a manor, to which it gives the name of the "Manor of Treyford." Athlone is not named in it. The town of Moat, which is distant eight miles, is made part of the manor, and it would seem probable, from this circumstance, that the 5000 acres would not reach to the town of Athlone. This patent was granted to William Handcock, Esq., the Patent, 33 Car. II.

ATHLONE.

ancestor of Lord Castlemain, (upon whom the patent rights have descended,) and it empowered him, his heirs and assigns, to hold Courts Leet and Baron, with jurisdiction in the latter to the amount of 40*s*., and a law day, or Court of Record, within the manor, limited in amount of claim to £10; and these courts were to be held before a seneschal to be appointed by the patentee, his heirs and assigns.

Sovereign's Office.

The Sovereign, or his deputy, sits at his office in his magisterial capacity three times a-week, and hears complaints for matters arising within the borough. He sends the more serious offences to the assizes, and the minor complaints to the quarter sessions.

Upon questions of trespass, servants' wages, and nuisances, he decides himself. He has imposed penalties for nuisances to a considerable amount, which, it was stated, had been given to the clergymen of the Established Church to be distributed in charity.

Borough Court.

The sovereign formerly presided in the Civil Court of the Borough, which was limited by charter to claims of £5 late Irish currency.

He had always the assistance of a jury. Although there are regular entries in the corpotion books of adjournments of this court on every third Thursday up to the present time, it has not, in fact, been held for upwards of 12 years. There were pleadings in this court, and attorneys practised in it. The costs to execution amounted to about £1 18*s*. The process was by attachment, in the first instance.

Notwithstanding the discontinuance of its sittings, a most pernicious practice still exists of effecting seizures under its process. Upon a mere verbal statement, without oath, (although required by the 36 Geo. III. c. 39,) an attachment issues, signed by the bailiffs, against the goods of any person within the limits of the borough, under which a seizure is made by the serjeant at mace. The seizure being effected, on bail being given, the goods are restored to the defendant; in the absence of bail they are detained. Where the defendant's bail is received, the plaintiff has no means of further prosecuting his claim, and it is only in the event of bail not being given that he can derive any benefit from this proceeding. When bail cannot be procured, the defendant is coerced to settle, no matter how unjust the claim, as the only means of getting back his goods if they be of greater value than the amount of the demand. This usually happens in the case of strangers, who frequently experience difficulty in procuring bail; and where they have been unable to do so, or their bail has not been received, these attachments have actually effected an absolute forfeiture of the property seized for demands of a few shillings, unsubstantiated even by the oath of the plaintiff; the goods under such circumstances remaining in the custody of the serjeant at mace. A case of this nature, which was particularly investigated, shows that this practice prevails to the present time. In June 1833, an attachment issued against the goods of a person named Edward Walsh, marked for 11*s*. 1*d*.; and on 18th June, two large boxes were seized, containing property of a perishable nature, to the amount in value of at least £8. Walsh's wife deposed that bail was tendered and refused, but, at all events, Walsh could not procure a trial, and he was obliged to quit the town without his boxes; which were, on the day the case was mentioned to me, (the 26th of September 1833,) still in the custody of the serjeant at mace. The persons principally benefited by these proceedings are the officers of the court, who receive their fees at the rates following, viz.

	s.	*d*.
To town clerk for filing the attachment - -	2	6
Bailiffs for signing it - - - - -	2	6
Serjeant at mace for executing it - - -	2	6
	7	6

Juries.

At present there are no Juries of any sort empannelled within the borough. Formerly there were market juries, but they have been discontinued since the year 1817. A market jury is much needed here.

Police.

12. There is no Police, save the serjeant at mace, under the control of the corporation. The county constabulary act within the district; four only of them are stationed in the town; they obey the sovereign as a justice of the peace.

Formerly there were borough constables appointed by the sovereign, but they have been discontinued. I shall have occasion particularly to mention these borough constables when I come to the subject of fines.

There is no night watch; an efficient police and watch are much required.

There is a large garrison always quartered in the town, and the barracks are very capacious. The heights of the town are strongly fortified.

Prisons.

13. There is a Prison attached to the town office, over which the corporation exercises control.

There is also a prison belonging to the county of Roscommon, within the district of the corporation, and to which the acting sovereign has committed offenders. The prison attached to the town office is a place of the most unwholesome description, and utterly unfit for the reception of prisoners. It was represented as a grievance that such place of confinement should be suffered to continue, even for the purpose of temporary imprisonment. The vice-sovereign stated that he had never committed to this dungeon for a period longer than 24 hours.

The 7 Geo. IV. c. 74, s. 76, abolished prisons attached to inferior courts, and it did not appear that the sanction of the Lord Lieutenant for continuing this prison had been obtained under the 97th section of that Act.

Beyond the power of the sovereign's committing to it, the corporation has no control over the gaol belonging to the county of Roscommon.

Public Schools.

14. There are no Public Schools or other charities under the control of the corporation.

There is a school here, called "The Ranelagh School," limited to 40 boys; at present there are but 21 on the establishment, the funds not admitting of more. This establishment is supported by the produce of lands granted for the purpose by Lord Ranelagh. It is also entitled to a moiety of the tolls and customs; and on this account, and because the sovereign for the time being is one of the local committee, it seems necessary to show how this property passed to the "Incorporated Society for promoting English Protestant Schools in Ireland," in which the trusteeship of the fund is now vested.

1708. Conveyance from Lord Ranelagh to Trustees.

In 1708, Richard Lord Ranelagh conveyed, by deed, to certain trustees, "the castle, manor, town and lands of Athlone, with the customs, &c. belonging to the castle, house, manor, &c. of Athlone, as granted to him by the patents of Charles II., dated the 30th July 1672, and 18th December 1675, together with the lands of Clonarke, therein stated to contain 427 acres, and of Gortnanghan *alias* Gortecorson, containing 43 acres, in trust for himself, for life, with remainder to his daughter, Lady Catherine Jones, and her issue; and in the event of her dying without issue, in trust out of the issues and profits to erect two schools in the town of Athlone, one for 20 boys, and the other for an equal number of girls, and two schools in the town of Roscommon, with a direction that the schoolmasters should be in holy orders, and should preach and catechise in a chapel to be attached to the schools, and in trust to pay £20 per annum to the minister of Athlone." Lady Catherine Jones died without issue, in the year 1740, and thereupon (Lord Ranelagh having previously died) the property became applicable to the charitable trusts.

Act of Parliament 33 Geo. II. c. 1.

By an Act of Parliament 33 Geo. II. c. 1, entitled "An Act for vesting the several Estates granted by the Right Honourable Richard late Earl of Ranelagh, for the erecting and supporting Two Charity Schools at the Town of Athlone, and Two Charity Schools in the Town of Roscommon, in the Incorporated Society in Dublin, for promoting English Protestant Schools in Ireland, and for other purposes mentioned therein," the property comprised in the deed of 1708, including the customs, &c. belonging to the castle of Athlone, was vested in the society for the purposes in the Act specified.

Other Charities.

There is a school supported by a grant of £20 a-year from the Handcock family, where there are eight or nine boys, who pay for their education.

There are four or five other schools supported by voluntary contributions, aided by grants from the Education Board and Kildare-Place Society.

There are two dispensaries, one at each side of the river, supported by subscriptions and grand jury presentments in the usual way.

A sum of £30 a-year is paid out of the lands of Aughkeeran for the poor of the town.

The sum of £8 Irish a-year, paid to the churchwardens, and called the Dodwell Grant, is distributed to a number of poor women, and a sum of £13 a-year paid by a Mr. Evans, of Dublin, to the rector, is divided amongst old men.

Fines.

15. I could not discover that any Fines have been imposed by the corporation upon its own members, but complaints were made of the extent to which fines had been inflicted upon the inhabitants of the district.

From the year 1816 to about the year 1826, the same person was either sovereign or vice-sovereign, and acted continuously. He appointed five town-constables. It was stated that these men were principally requited for their services by the seizure of cattle found on the public ways within the borough, for the purpose of fining the owners and obtaining a moiety of the penalty under the Road Acts.

A book of fines, commencing with June 1824 and ending with June 1828, was produced by Mr. Handcock; and from this book, connected with parol testimony, it appeared that the constables were in the habit of seizing all cattle found upon the highways, and that the owner of the cattle was fined at the rate of 5*s.* a-head for each beast. Numerous cases were also instanced in which the owner of the cattle compromised with the constables for 2*s.* 6*d.* a-head; the constable thus obtaining for himself his moiety of the penalty as informer, and the owner of the cattle escaping the payment of the other moiety, which should go to the churchwardens for the use of the poor, in the event of a conviction. It further appeared that the acting sovereign was frequently apprized of such compromises and did not interfere to prevent them. It was stated that fines were constantly imposed without any examination on oath, and that the constables had themselves, in many instances, driven, or procured to be driven, cattle out of the enclosures, upon the roads, for the purpose of subjecting the owners to fines, or of extorting money from them by way of compromise.

It appeared by the book of fines that the receipts of one of the constables, as his moiety of fines inflicted in a single day, amounted to a sum of 30*s.*, in which, of course, was not included the amount of compromises effected in the manner above described.

I was unable to ascertain the gross amount of fines in any year, but they must have been considerable.

Application of.

After a demand by a churchwarden of the parish of St. Mary's, on the Westmeath side of the town, in 1825, the sovereign was in the habit of sending weekly to the vestry-room the amount of a moiety of the fines inflicted in that parish; but it was insisted that those payments, and the payments made to the clergyman, fell far short of the moiety of fines actually imposed by the direction of the sovereign.

The churchwarden alluded to (Mr. Robert M. Jamieson) stated that he acted in that capacity for Mary's parish during the years 1825, 1826, and 1827, and that he was in the constant habit of returning to the persons fined, out of the amount sent to him by the sovereign, such fines as he himself considered to have been illegally or improperly imposed.

It appeared to me that this system of fining, which prevailed in Athlone for so many years,

ATHLONE.

and, indeed, exists to the present time, though not to the same extent as heretofore, operated as a source of revenue to the inferior officers of the corporation, rather than as a means of preventing obstructions on the highways, as contemplated by the Acts under which the penalties are imposed.

Lands.

16. The corporation is not now possessed of any landed property, nor did it appear that there ever had been any Lands or commons belonging to it. Many witnesses were produced to prove that certain premises in the town formerly belonged to the corporation, but their evidence rather tended to establish a title, either in the Crown or in the incorporated society, and the title of the latter was strongly supported by ordnance maps and books produced by Captain Charles Selwyn, of the Ordnance department.

Tholsel.

The market-house, or Tholsel, is claimed by Lord Castlemain as his private property. It is occupied as a guard-house by the garrison. For five or six years Lord Castlemain received for it a rent of 20 guineas per annum, but nothing appears to be paid for it at present. The quit-rent of it, however, has been paid by the corporation, as appears by their accounts.

Income.

17. The Income of the corporation is wholly derived from cranage and a moiety of the tolls and customs. For the last two years the cranage and their tolls have been let by the corporation at a rent of £220 per annum.

Markets and Fairs.

18. The Markets are held on every Thursday and Saturday, the charter days, and the four annual Fairs are held pursuant to the grants already mentioned.

Tolls and Customs.

19. Tolls and Customs are charged at these fairs and markets. Formerly pontage toll was taken for passing the bridge, but it seems to have been abandoned for the last six years. The charges were principally on cars, cows, and sheep. It is not now demanded. Until the year 1826, a toll in kind was exacted of 4lbs. out of each barrel of corn, and so in proportion upwards, and as the quantity taken was not weighed, it is stated to have frequently exceeded the proportion claimed. The right to this species of toll was the subject of much litigation; and in the month of June 1826, Francis Quigley, whose name has been already introduced into this Report, commenced an action of trespass against Richard Handcock, junior, and Patrick Gill, a toll collector, for taking toll in kind of oats; and the defendants having omitted to plead to his declaration, he obtained judgment by default, and on a writ of inquiry before the sheriff of Roscommon, in the month of August 1826, obtained damages to the amount of £100, which were afterwards remitted, as appears by the agreement of 16th October 1826, of which mention will be presently made.

It has been already shown how Lord Ranelagh's moiety of the tolls and customs passed to the incorporated society.

How let.

From 1819 to 1826, the incorporated society and the corporation set their respective moieties to the same tenant at a rent of £410 a-year for the entire. During this period the crane was let separately at a rent of about £120 a-year. In 1826, the collection of tolls and customs was resisted, and the society did not think fit to enforce it, and have not since taken any steps to do so, nor received any thing whatsoever for their moiety. On the other hand, after considerable litigation, an agreement was entered into between the corporation and several of the inhabitants, of which the following is a transcript:

Copy Agreement, 16th October 1826.

"Richard Handcock, Esquire, senior, vice-sovereign of Athlone, on the part of the corporation of Athlone, and the several other executing parties hereto, in order to restore peace and good order, have this day entered into the following Agreement, which is to commence and take effect from and after the date and execution hereof.

"Whereas differences have arisen between certain inhabitants of Athlone and the neighbourhood thereof, and the corporation of Athlone, respecting the levying the tolls of various sorts in the town and borough of Athlone; and in order to put an end to such differences, the said Richard Handcock, vice-sovereign, as aforesaid, is willing to accede to the wishes of the inhabitants of Athlone and neighbourhood, even at a sacrifice of a considerable portion of the immemorial tolls and customs of the borough and its liberties; the parties hereto have therefore agreed to act upon the report of the committee of the 25th of May last, on the subject of tolls and customs, and the said Richard Handcock, senior, in pursuance thereof, for and on behalf of the said corporation, and as to their moiety of the tolls and customs of the said town of Athlone, agrees to accept, in lieu and share of the toll heretofore taken on corn coming into the town of Athlone or its liberties, the sum of one halfpenny per barrel, on all kinds of grain, (wheat excepted, which latter shall pay one penny per barrel,) the same to be paid by the several persons parties hereto, to whom such grain shall arrive, or which shall be weighed at their private cranes; and that the said Richard Handcock, on the part and behalf of the said corporation, further agrees to give up and withdraw the charges for toll, custom, or pontage, on all cars, carts, or other vehicles, carrying corn, or other goods, into or through Athlone, and upon all cattle passing into and through the said liberties; excepting, however, and retaining to the corporation the usual and legal customs arising from the four annual fairs of Athlone, as hitherto received and taken, and the custom on stalls and stands erected in the town of Athlone, at the said fairs and the markets, as hitherto had and taken; and the said Richard Handcock, for and on behalf of the said corporation, retaining to and for their use the public cranes in said town, as hitherto kept and taken, and with which it is admitted the inhabitants have, or claim to have, no interest or concern. The said Richard Handcock, vice-sovereign, as aforesaid, agreeing to have potatoes weighed, without fee or reward, at the crane in the market-place; and for the purpose of ascertaining the quantity of grain delivered at, or weighed at, the private cranes of the parties hereto, the several proprietors thereof, are to make weekly returns to said Richard Handcock, or those appointed by him, and his successors, of all grain delivered, and weighed at their respective stores and cranes; and said Richard Handcock, or those appointed by him, and his successors, shall be at liberty to inspect the books of the said proprietors, to ascertain the correctness of the

returns, if he or they shall think fit so to do. And it is further agreed, by and between the several parties hereto, that the causes of Jameson *v.* Handcock, and Quigley *v.* same, and the causes of the King *v.* Jameson, and Handcock *v.* same, and all other suits and actions, either civil or criminal, as well in Westmeath as Roscommon, that have been had, taken, or instituted, or pending, or that have hitherto arisen, as well against the said Richard Handcock, senior or Richard Handcock, junior, Esquires, M. P., as by the said Richard Handcock, senior and junior, and the said corporation, their servants, officers, constables, or collectors, for or in relation to any act, matter, or thing, done or committed, as sovereign, vice-sovereign, or otherwise, shall henceforth cease, determine, and be discontinued, each party abiding their own costs; and the said Richard Handcock, junior, doth hereby agree that the within undertaking given by Edmond O'Beirne, the attorney of said Robert Jameson, for the payment of the costs in Handcock *v.* Jameson, be given up to be cancelled; and that said Edmond be discharged from the payment of said costs; and that the said Robert Jameson and Francis Quigley shall release the actions brought, and findings had by them, and sign a discontinuance and release of their said actions and suits; and that all informations and indictments against any person or persons whatsoever, for any matter or thing relating to said tolls and customs, or the collection or obstruction thereof, shall also cease, and be discontinued, either for alleged riot or otherwise. And it is hereby agreed, and perfectly understood, that this agreement is entered into by the said Richard Handcock, Esq., senior and junior, for and on behalf of the said corporation, solely as to their moiety, and entirely unconnected with the moiety claimed by the incorporated society, and independently thereof: provided, however, and it is hereby agreed by and between the parties hereto, and the true intent and meaning of the said parties is, that in case this agreement relating to the charge or sum to be paid by the contracting parties, inhabitants of Athlone and its neighbourhood, for the weighing of corn at private cranes, in lieu of the tolls, as is hereinbefore mentioned, shall be broken off, departed from, or not carried into due effect by the said contracting parties, inhabitants of Athlone and its neighbourhood, that then nothing herein contained shall affect or prejudice, or be construed to affect or prejudice the rights of the said Richard Handcock, or the sovereign and body corporate of the borough of Athlone, to the tolls and customs heretofore had, taken, and received, by them, or for their use; but that said sovereign and body corporate, and their rights and privileges, shall stand, and be in the same plight and condition with respect to the aforesaid tolls and customs as they were before the date of this agreement, and as fully as if the same were not executed. And, lastly, it is agreed that a deed be prepared and approved of by George French and Robert Holmes, Esquires, barristers at law, to carry the foregoing agreement into execution, and the parties hereto agree to execute such deed, when the same shall be prepared and presented to them. In witness whereof the said Richard Handcock, senior, and the said Richard Handcock, junior, the several other parties contracting and agreeing hereto, set their hands this 16th day of October 1826."

This agreement appears to be signed by 11 of the inhabitants, and by the Messrs. Handcock, senior and junior; and the following Order was entered upon it in the corporation book: Order upon.

"Borough of Athlone, June 25 1827, (24th being Sunday.)

"Ordered, That an agreement entered into between Richard Handcock, senior, Esq., late vice-sovereign, on the part of the corporation of Athlone, and several other executing parties, dated the 16th day of October 1826, a copy of which is annexed hereto, be, and is hereby approved and confirmed.

"W. Cooke, Vice-Sovereign."

Two parts of this agreement were executed, one was kept by the Messrs. Handcock, and the other handed to Mr. O'Beirne, the attorney on behalf of the inhabitants. No deed has been prepared to carry the above agreement into execution, but the agreement itself is acted upon. It was not stated that either of the Messrs. Handcock had received any previous express authority from the corporation to enter into the agreement on their behalf.

For the last two years the Customs and Cranage have been let by the corporation to Patrick Kelly, a person who appeared to be favoured by the corporation. The Letting, in October 1831, was public, and Kelly being the highest bidder, was declared tenant for one year, at a rent of £220. The last letting was on the 10th of October 1832. It was publicly advertised to take place at 12 o'clock at noon, but several of the inhabitants declared that on repairing to the appointed place at that hour, they were informed that the letting was over; and they seemed to think that this was contrived to prevent fair competition, by which a higher rent could have been procured. Lettings of Tolls.

The practice of swearing persons frequenting the market as to whether they have, or have not sold at it, still prevails here; formerly the oath was administered by the toll collectors, but of late by the vice-sovereign at his office. Patrick Kelly admitted that he supplied his collectors with "wooden books" for the purpose. Great impositions are practised in the charges for toll and cranage in this market.

There are no schedules of the charges for custom or cranage, exposed to public view, pursuant to the provisions of the Act of 57 Geo. III. c. 108; but a list of "the charges legal to be paid within the borough, in lieu of that moiety of the tolls, customs, and pontage," theretofore collected by the corporation, and bearing date the 16th October 1826, was printed in the following form: Schedule now in use.

	d.
For every covered standing in the streets each market day - -	1
For every uncovered ditto - - - - - - - -	0½
For every sack of corn weighed at the public crane, not exceeding one barrel - - - - - - - - - - -	1

ATHLONE.

	d.
For every sack exceeding one barrel	2
For every barrel of oats, or other grain, weighed at private cranes (wheat excepted)	0½
For every barrel of wheat weighed at private cranes	1
For every bag of wool not exceeding 1 cwt., ½d.; exceeding	1
For every cow, heifer, or bullock, weighed at the meat market crane	4
For every veal calf	2
For every sheep	1
For every lamb	0½
For every pig	3
For every flitch of bacon	1
For every hide	0½
For every cask of butter under 1 cwt.	0½
For every ditto exceeding 1 cwt.	1

There is no charge for weighing potatoes.

And at the four annual fairs in January, March, May, and September:

For every covered standing, each day	3
For every uncovered ditto, each day	2
For every cow, heifer, or bullock, sold	2½
For every sheep	0¾
For every pig	0½

Former Schedule.

For the purpose of showing the difference between the tolls now taken, and those formerly demanded, we have procured, and send with this Report, a copy of the Schedule according to which tolls were collected up to the middle of October 1826.

Accounts.

20. It has been already observed, that the income of the corporation arises entirely from cranage and tolls, and, accordingly, in a Return made by the body on the 20th of June 1833, under an order of the House of Commons, dated 6th June, in the same year, requiring "A Return of the total amount of property, estate, or monies, vested in or at the disposal of the corporation of Athlone, by royal grant, charter, custom, or prescription;—and also an account of all monies received by the said corporation since 1800, by right or claim of any toll, custom, duty, pontage, murage, or any like demand, levied in the said town; with the appropriation of the same;" they returned that they had no property, estate, or monies, and their Return consisted of an account of the receipts of toll, &c. from 10th of October 1804 to 1832, and of the expenditure of the same, and it runs as follows:

Return to House of Commons.

Years.	Total Amount of all Monies received by the said Corporation since 1804, by right or claim of any Toll, Custom Duty, Pontage, Murage, or any like demand, levied in the said Town.			Expenditure of same.		
	£.	s.	d.	£.	s.	d.
From 10th October 1804 to 10th October 1805	325	0	0	226	19	2½
1806	325	0	0	294	13	10½
1807	325	0	0	272	15	9½
1808	305	0	0	388	9	0
1809	305	0	0	377	17	1½
1810	305	0	0	296	12	11½
1811	305	0	0	289	12	8½
1812	305	0	0	450	6	8½
1813	380	0	0	391	13	10
1814	380	0	0	309	17	6½
1815	380	0	0	374	0	11
1816	380	0	0	376	15	6
1817	380	0	0	283	11	5½
And to 10th April 1819	570	0	0	658	2	8
To 10th October 1819	190	0	0	173	0	8½
1820	339	2	0	335	5	5½
1821	350	0	0	285	9	5
1822	350	0	0	333	10	0
1823	332	0	0	307	8	5½
1824	357	14	2½	332	17	1
1825	360	2	5	341	1	0
1826	291	19	1	363	14	1
1827	266	0	0	262	6	0
1828	115	13	5½	119	7	5½
1829	200	0	0	200	0	0
1830	200	0	0	200	0	0
1831	185	17	7	236	2	6½
1832	220	0	0	220	0	0
	8,728	8	9	£8,801	11	6
Overpaid by sovereign	73	2	9			
	£8,801	11	6			

ATHLONE.

Account from 10th October 1824 to 10th October 1825.

The disbursements consisted of payments of salaries to the municipal officers, money expended in repairs of the streets and bridge, and incidental expenses.

The salaries of the officers amount together to £142 a-year, and up to last year a sum of about £50 was annually laid out on the streets and in the improvement of the town, and £8 a-year are paid for keeping the town-clock in repair. For the year commencing the 10th of October 1824, and ending the 10th of October 1825, being the last but one before the reduction of the tolls by the agreement of the 16th October 1826, the account is as follows:

The Sovereign, Dr.	£.	s.	d.
To balance due by the sovereign, at foot of last year's account	30	15	10
One year's rent of the corn and wool cranes	140	0	0
The produce of the tolls and customs, collected by Timothy Flynn	220	2	5
	£390	18	3

Contra, Cr.	£.	s.	d.
By sundry postages, on corporation business, from prisoners in gaols, and magistrates of towns	0	19	5½
Cash, paid Messrs. Thomas Brunker and William Deane, for furnishing materials, and fitting up a guard-house in the tholsel, with guard bed, arms' racks, &c. &c.	5	1	10½
Ditto, paid for ammunition and shoulder belts, for four constables, and ink-stand for tholsel office, handcuffs, &c. and sundry small articles, as per vouchers.	2	10	7
Ditto, piad George Birchell, for a hasp and iron bar to secure North Gate	0	13	4
Ditto, paid Thomas Brunker, for removing an old house, adjudged as a nuisance, by a jury, at Mackay's corner of the bridge	0	10	3
Ditto, paid Edward Donnelly, for altering the chimney top in tholsel office	0	1	8
Ditto, paid for an almanack for the tholsel office	0	5	5
Ditto, as a subscription to support watchmen for three months	15	8	0
Ditto, paid Bernard Daly, for constables' clothing, and to Peter Keough, for making same	28	15	11
Ditto, paid Mr. William Kidd, for advertising the postponement of Athlone Fair, in May 1823, and omitted to be included in former entry, with postage of same	0	7	0
Ditto, paid Thomas Fenaughty, for making a gullet at North Gate, with iron grate for same	1	17	0½
Fees, paid at the council office, for the Lord Lieutenant's approbation for appointing Joseph Sproule, bailiff, in the room of Thomas Gray, deceased	2	0	0
Ditto, paid at ditto, for ditto, for sovereign and bailiffs, for this year	2	0	0
Cash, paid for two years quit-rent, for the market-house of Athlone, &c. to Michaelmas 1824	0	14	4
Ditto, paid the Rev. Dr. M'Govern, for repairing the road to the abbey, and building a wall to exclude the river	10	0	0
Ditto, paid for 24 barrels of lime, for the use of the poor, for whitewashing, to check the progress of the typhus fever	1	6	0
Ditto, paid for 1½ years rent of a toll-house	3	0	0
Ditto, paid William Kent, mason, for arching and forming a well, for the use of the public, at North Gate	1	5	0
Ditto, paid Thomas Brunker, for repairing the bridge of Athlone, on the Westmeath side	0	16	9½
Ditto, paid for weights for the shambles	0	14	6
The sovereign's salary	100	0	0
The bailiffs' salary, Joseph Sproule and John Longworth	18	4	0
The recorder's ditto, George French, Esq.	10	0	0
Deputy recorder, and town clerk's salary, Isaac Cornelius	10	0	0
The sovereign's allowance, for his expenses attending the four assizes, at Roscommon and Mullingar, on sundry prosecutions	22	15	0
The salary of four constables, James and Wm. Rickey, Arthur Lynden and Wm. Loughrey	40	0	0
Salary to Timothy Flynn and Daniel Flynn, billet masters	11	7	6
Cash, paid J. Loughery, his contract for repairing the streets of Athlone, on Westmeath side	20	0	0
Two years' salary to Peter Coyle, as sworn butcher, to attend the sovereign one year, omitted to be charged in last year's accounts	2	5	6
Ditto to John Fumblty, his contract for repairing the constables' arms and accoutrements in repair as above	3	0	0
One year's salary to Daniel Keefe, for keeping the weights and scales at the public crane in repair	2	5	0
Subsistence of prisoners, in the town gaol for this year.	1	2	2
Cash, paid for a screen for the tholsel office window	0	3	11
Ditto, paid Michael Fleming, pavior, for repairing Keogh's-lane, leading to the river, per agreement	1	0	0
One year's salary to John Goode, for the regulation of the town-clock	8	0	0
Ditto, ditto to E. Donnelly, for keeping the roof of the market-house in repair	1	2	9
One year's subscription to the Athlone Dispensary	11	7	5
Balance in the sovereign's hands, with which he is to debit himself in next year's accounts	49	17	3
	£390	18	3

We were unable to procure copies of the accounts, intermediate between that account and the following, which is the account for the year ending 29th September 1832:

ATHLONE:

From September 1831 to 1832.

Receipts:	£.	s.	d.
Amount of one year's rent for customs and cranage	220	0	0
Disbursements:			
Sovereign's salary for one year	100	0	0
Town clerk's ditto	20	0	0
Town constable's ditto and clothing	19	10	0
Street repairs	50	0	0
Billet master's salary	10	0	0
Repairs of clock	8	0	0
Council fees for Lord Lieutenant's approbation of officers	1	16	11
Quit-rent for tholsel	0	7	7
Balance	10	5	6
	£220	0	0

The disbursements did not appear to have been authorized by the corporation at large or common council; and the accounts have been generally passed and certified by the council on the sole responsibility of the sovereign, and without investigation.

It did not appear that any sum whatever had been laid out on the streets or the bridge within the last year (1832, 1833.)

Streets and Bridge. The Streets are not now either cleansed or kept in repair, and the state of the Bridge is exceedingly dangerous. Connecting the provinces of Leinster and Connaught, this bridge is a great thoroughfare, so much so that on a market day persons are frequently occupied an hour in passing it. It is very narrow and incommodious, and is in a most dilapidated state. According to the charter, a moiety of the bridge on the Leinster side should be kept in repair by the corporation.

Weights. Lord Castlemain, sometime since, procured new Weights and Measures for the town at an expense of £100 out of his own funds. The present vice-sovereign, although he has been in office since August 1832, has never interfered in the regulation of the weights and measures.

Patronage. 21. There is no Patronage, ecclesiastical or other, exercised by or belonging to the corporation.

Acts of Parliament. 22. The only local Act of Parliament relating to Athlone, is the Act 33 Geo. II. c. 1, already mentioned.

Statistical Details. 23. The town of Athlone extends into the parishes of St. Mary, barony of Brawney, in the county of Westmeath, on the Leinster side; and into the parishes of Kiltoom and St. Peter, in the barony of Athlone and county of Roscommon, on the Connaught side.

In the Population Returns of 1821, the borough is stated to contain 7543 inhabitants; in those of 1831, 11,406, of whom 5699 were resident on the Leinster side, and 5707 on the Connaught side.

The occupations in the latter returns were:

Families chiefly employed in agriculture	556
Ditto in trade, manufactures, and handicraft	716
All other families not comprised in the two preceding classes	822
Occupiers employing labourers	10
Ditto not employing labourers	282
Labourers employed in agriculture	391
Ditto employed in retail trade or in handicraft as masters or workmen	915
Capitalists, &c.	151
Labourers employed in labour not agricultural	255
Houses inhabited	1764
Ditto uninhabited	68
Ditto building	21

General Remarks. 24. The town of Athlone is situate very nearly in the centre of the island, and possesses great advantages of water-communication for an inland town. Its trade is, however, by no means considerable, and it is without any extensive manufactories. The Shannon is navigable both above and below the town, and a communication by steam-boat between Athlone and Limerick has been recently established, which will probably result to the benefit of this town.

To the prosperity of Athlone the corporation have at no time contributed, nor is it likely that, as at present constituted, they ever will. The strongest feeling of hostility exists between the inhabitants and its members; the former complain that the revenues of the corporation have been, and still are applied, contrary to the express provisions of the charter, to the payment of municipal officers, who render no services to the community, and they exclaim against the selections for corporate offices, and particularly of the appointment of the present vice-sovereign, who appears ill suited for the government of an important place.

The consequences resulting from such a state of things are a distrust in the administration of justice, and a spirit of resistance to constituted authority. The corporation will not be efficient as an instrument of local government until its officers are popularly chosen.

Although its municipal regulations are deplorably bad, and tend very much to impede its advancement, this town is certainly improving. It now returns one Member to Parliament; prior to the passing of the Reform Act, the number of electors, according to the Parlia-

mentary Returns of 1829 and 1830, were 71 ; and at the last election its registered voters amounted to 243, 86 of whom were resident freemen, the rest £10 householders. Since that period the number of registered householders has greatly increased. From these electors, and other respectable inhabitants, might be supplied a class of persons in every way qualified to regulate the affairs of the borough, and a moderate toll and custom would afford a sufficient revenue for all municipal purposes.

We have sent with this Report copies of the following Documents: Documents sent.

1. The Charter of James I.
2. Schedule of Tolls, dated 10th October 1800.
3. Printed Return to the House of Commons, dated 20th June 1833.

HENRY BALDWIN.

Inquiry held the 26th, 27th, and 28th of September 1834, by John Colhoun and Henry Baldwin.

REPORT

ON

THE BOROUGH OF ATHY.

CONTENTS.

	Page
Limits	141
Charters	141
Title	141
Classes	141
Officers	141
Sovereign	141
Bailiffs	142
Burgesses	142
Recorder	142
Serjeants at Mace	142
Town Clerk and Billet Master	142
Treasurer	143
Bellman	143
Weighmaster	143
Inspector of Coals and Culm	143
Freemen	143
Fees	143
Bye-laws	143
Ruling Body	143
Civil and Criminal Jurisdiction	143
Sovereign's Court	143
Borough Court	143
Assizes	144
Quarter Sessions	144
Petty Sessions	144
Presenting Court	144
Market Jury	144
Police	144
Prison	144
Public Charities	144
Schools	144
Fines	144
Property	144
Fairs and Markets	144
Tolls and Customs	145
Accounts	145
Local Acts	145
Statistical Details	145
Union Compensation	146
State and Prospects	146
Documents sent	146

BOROUGH OF ATHY.

1. THE Limits of the Borough of Athy extend by charter "half a mile in a direct line, on every side, from a castle in the town, called 'The White Castle,'" and such have been, in fact, the limits, although no defined boundaries exist to mark them. These limits include the entire town and a small surrounding district, and comprise all that is peculiarly connected with the town, and, if properly defined, appear to be those which should regulate the municipal jurisdiction. LIMITS.

2. The borough was incorporated by a Charter, dated 10th May, 11 James I., enrolled in Chancery. (Rot. Pat. 11 Jac. I. p. 3, m. 33, d.) This charter prescribes the mode of election of the sovereign, bailiffs, burgesses, and freemen, appoints the sovereign to be a justice of the peace within the borough, enables him, with the approbation of a majority of the burgesses, to appoint a deputy, and constitutes him or his deputy, escheator, coroner, clerk of the market, and master of the assay. CHARTERS. James I.

A charter was subsequently granted, dated 4th July, 4 James II., enrolled in Chancery, (Rot. Pat. 4 Jac. II., p. 4, m. 28,) but it was founded on a supposed forfeiture by a judgment of the Exchequer, and has not been acted upon, at least within the memory of any living person, and the former is the governing charter. James II.

King Charles II. by Letters Patent, dated the 28th November, in the twenty-second year of his reign, and enrolled in Chancery, (Rot. Pat. 23 Car. II. p. 3. m. 31. d,) granted to the sovereign, bailiffs, and burgesses of Athy the power of holding two annual fairs on the 29th May and 30th November, and of taking toll and custom at such fairs, reserving a quit-rent of 10*s.* per annum to the Crown. 22 Charles II. 28th November, Letters Patent.

A patent also appears on the roll of the 30 Geo. II., (p. 2. m. 4. d,) which bears date the 17th August, 30 Geo. II., and grants to the sovereign, bailiffs, free burgesses, and commonalty of Athy the power of holding two additional fairs annually, namely, on the 25th April and 25th July, and of taking tolls and customs thereat, and reserves a rent of 6*s.* 8*d.* a-year.

3. By the charter of James I. the corporation is entitled, "The Sovereign, Bailiffs, Free Burgesses, and Commonalty of the Borough of Athy." Title.

4. And it consists of those four Classes. Classes.

5. The Officers of the corporation are, Officers.

One Sovereign.
Two Bailiffs.
Twelve Burgesses.
One Recorder.
Three Serjeants at Mace.
One Town Clerk and Billet Master.
One Treasurer.
One Bellman.
One Weighmaster.
One Inspector of Coals and Culm.

The Sovereign is elected annually on every 24th day of June, by the sovereign in office, the bailiffs and burgesses, out of the body of the burgesses. No other qualification is necessary. Three electors are allowed to constitute an election, and in practice there is often only that number present, and seldom more than four or five, although the charter requires that the election shall be made by the major part of the sovereign, bailiffs, and burgesses. The sovereign is sworn in, and commences to act on the 29th of September. By charter he may appoint a deputy, and he commonly does so, and that without the assent of the majority of the burgesses, as required by charter. The deputy-sovereign is always resident, the sovereign generally not so, even when he does not appoint a deputy. The same person has been re-elected sovereign for two successive years, but not oftener, but an individual has been deputy-sovereign for several successive years. One gentleman performed the duties of the office for 30 years, being sovereign and deputy alternately. Sovereign, how elected.

The sovereign is a justice of the peace within the district, and acts as such at petty and quarter sessions, and performs the magisterial duties of the borough. Functions of.

He is escheator, coroner, and clerk of the market.

He presides in the civil court of the borough.

The deputy-sovereign, who must be a free burgess, performs the same functions, although the privilege of acting as a justice of the peace is not conferred on him by charter.

Prior to 1824, the sovereign received no Salary, but had the residue of the produce of the tolls and customs, after paying thereout the salaries of the other officers of the corporation. In 1824, the Duke of Leinster (who is the patron of the borough) appointed fixed salaries for Salary.

ATHY.

all the officers; and from that period the sovereign has received £50 a year out of the funds of the corporation. If there be a deputy-sovereign the salary is divided, the deputy getting £30, and the sovereign the residue.

The sovereign, or deputy, has also some fees arising from his duties in the Borough Court, but the amount is inconsiderable.

Bailiffs, how elected. The Bailiffs are elected annually on every 24th day of June, by the sovereign, bailiffs, and burgesses, from the body of the freemen; the charter directs that they should be elected from the burgesses or freemen. In practice it is required that they be resident; no other qualification is necessary. They serve for one year from the 29th of September.

Functions of. The sovereign and bailiffs are, in fact, nominated by the Duke of Leinster. The latter perform no duties at present, beyond attending the meetings of the corporation, and electing officers; when the Borough Court sat they assisted the sovereign in it.

Salary. They receive a Salary of two guineas a year each.

Burgesses, how elected. Burgesses are elected for life, by a majority of the sovereign, bailiffs, and burgesses, present, out of the body of the freemen. No particular number of electors is deemed necessary to constitute an election; although the charter requires that the election be made by the major part, there are seldom more than four or five present. By the charter, burgesses should be elected "out of the better and more respectable of the inhabitants," but this qualification, as regards residence, having been dispensed with by the 21 Geo. II. c. 10, s. 8, is not attended to; no qualification is now held to be necessary, save that of being a freeman, and to supply this, persons have been first made freemen and afterwards burgesses on the same day.

The admissions usually take place at meetings specially convened for the purpose. It has happened that two years have intervened between a vacancy and consequent election, although the charter directs that the election shall take place in seven days after the vacancy occurs. The corporation wait for the Duke of Leinster to nominate, and his nominee is elected without opposition.

Of the present burgesses, only one resides within the limits, three live in the neighbourhood of the town, and the rest are altogether non-resident.

The following is a list of the present burgesses, (1833,) with the dates of their admissions:

Henry Hamilton, Esq., admitted	1798
John Hill, Esq.	1802
His Grace the Duke of Leinster	1813
The Honourable William Charles O'Brien Fitzgerald	1813
The Right Honourable Lord Downes	1815
Edward Butler, Esq.	1815
Edward Tickle, Esq., King's Counsel (Recorder)	1816
The Honourable Francis Charles Stanhope	1822
John Hamilton, Esq.	1822
John Butler, Esq. (Sovereign)	1822
The Reverend F. S. French	1826
Lieutenant-Colonel Thomas Fitzgerald	1831

Functions of. Burgesses have no Functions to perform, except those which they exercise as general members of the corporation, and in the elections above mentioned.

Salaries of. Privileges of. They have no Salaries nor incidental emoluments. They have no Privileges, save those of being eligible to the office of sovereign, and being exempt from tolls and customs.

Recorder, how elected. The present Recorder is a barrister. He was nominated by the Duke of Leinster, and elected for life by the burgesses, and not by the corporation at large, as required by the charter. The former recorder was not a barrister, nor is it considered essential by the corporation that the office should be filled by one, although the charter directs that he be a man "learned in the laws." It is required in practice that the recorder be a freeman; there is no such restriction in the charter.

Duties and Salary. The Recorder, who is non-resident, has no Duties to perform, save that of advising the corporation when called on, and he receives no Salary.

Serjeants at Mace, how appointed. Functions. The three Serjeants at Mace are appointed by the sovereign during good behaviour.

The charter mentions two serjeants at mace, and vests the election of them, and of all other inferior officers, in the corporation at large.

The serjeants execute the civil process of the Sovereign's Court, and warrants of the sovereign. They also attend to the regulation of the markets, and for this purpose a district of the town is allotted to each.

Salary. They receive a Salary of two guineas a-year each; they have also fees on summonses from the sovereign's court for claims above 5*s*. These fees amount to about £5 in the year.

The Town Clerk and Billet Master, how elected. The offices of Town Clerk and Billet Master are filled by the same person. He was nominated by the Duke of Leinster to both situations, and elected for life by the sovereign, bailiffs, and burgesses. The only qualification is that of being a freeman.

Functions of Town Clerk. The Duties of the Town Clerk are to attend and record the proceedings at meetings of the corporation;

To keep the books, records, and seal;

And he acted as clerk of the pleas of the Borough Court as long as it subsisted.

Of the Billet Master. The Duties of the Billet Master are to receive and sign routes for soldiers passing through, and to billet them in the town. This is an office of difficulty and trouble here, and the public bore testimony to its being impartially executed by the present officer.

Salary. The Salary for the united offices of town clerk and billet master is 10 guineas a year. The

present officer has the charge of the public pound, which produces £3 a year, and he formerly received fees in the Borough Court to the amount of £8 or £9 a year.

Treasurer, how appointed. Functions and Salary of.

The Treasurer is appointed by the Duke of Leinster. He receives the produce of the tolls and cranage, pays thereout the corporate officers, and keeps the accounts of the corporation. He receives a Salary of £20 a year. This is a new office, and is not mentioned in the charter.

Bellman, Weighmaster, and Inspector of Coals and Culm, how appointed.

The Bellman, Weighmaster, and Inspector of Coals and Culm, are respectively appointed by the sovereign during pleasure.

The Bellman opens the market every day at 12 o'clock; his salary is £2 a year.

The Weighmaster appears to have performed his duties to the satisfaction of the public. He receives a salary of £20 per annum.

The Inspector of Coals and Culm is placed in the market to prevent frauds by the vendors of coal. He receives a salary of £10 12*s.* 3*d.* per annum.

Freemen.

6. Although the charter provides that "all the inhabitants of the town, and as many and such other persons as the sovereign, bailiffs, and burgesses should admit into the liberty of the borough, should become and be the commonalty of said borough," the inhabitants generally are excluded from the corporation; and this provision of the charter has been construed as not conferring a right of freedom on the inhabitants, but limiting this class to such as have been actually admitted.

It was stated that an inchoate right to the freedom of this corporation attached to birth, servitude, and marriage; but no instance is recollected of an application for freedom as of right, nor could I discover any entry of such on the corporation books. In recent instances, persons have been admitted to their freedom by the sovereign alone, and without election.

There are at present 15 freemen, of whom 9 are resident within the limits.

Number of.

There is not, and has not been, in modern times, any Roman Catholic a freeman, except Colonel Fitzgerald, who was admitted to his freedom on the 21st of June 1831, and elected a burgess on the 24th of the same month.

There are several Roman Catholics resident in the town possessed of every qualification which could recommend them to their freedom. It appears, however, that during the last 10 years no application has been made for it. In practice, as already stated, the power of admission is exercised by the sovereign alone, and without reference to any portion of the corporation; and Mr. Butler, the present sovereign, stated, that he would forthwith admit to his freedom any respectable person who would apply for it.

Fees.

7. There are no Fees payable on admission to freedom or election to any office in this corporation.

It is remarkable that Colonel Fitzgerald is the only living person who paid the stamp duty on his own admission. Prior to 1829, it was not considered necessary by the corporation that the admissions should be upon stamps. When the error was discovered the corporation procured the admissions to be stamped in the book, and the Duke of Leinster paid the amount of the duty and penalty, which came to about £80. Colonel Fitzgerald is the only person who has been admitted since.

Functions.

Freemen perform no Functions.

Privileges.

Their Privileges at present consist in their eligibility to all the offices of the corporation, except that of sovereign, and an exemption from tolls and customs.

Bye-laws.

8. The power of making Bye-laws is assumed by the sovereign, bailiffs, and burgesses. The charter confers it on the whole body. It has been seldom exercised of late years. The most material is a bye-law, or rather resolution in the nature of a bye-law, which relinquishes tolls and customs on market days, adopts the schedule under which tolls have since been collected at fairs, and fixes the salaries of the officers; it bears date the 24th September 1824.

Governing Body.

9. The Governing Body consists of the sovereign, bailiffs, and burgesses, and it possesses the power of self-election.

This body fills up the number of burgesses, it may be said, without any qualification, as it can at the moment supply the only one, by first electing the candidate a freeman.

In practice, the constitution of this governing body is perfectly exclusive, and its members are the immediate friends and adherents of the Duke of Leinster.

Jurisdiction.

10. The corporation has no exclusive Jurisdiction, criminal or civil.

Sovereign's Court.

There is no mention of any court in the charter. There is a civil court held on the first Monday in every month, at which the sovereign presides. It is called the Sovereign's Court, and does not entertain claims beyond the amount of 40*s.* late Irish currency. It did not appear by what authority this jurisdiction is exercised.

There is not, in general, a jury, but it is optional with either party to call for one, and if a jury be required, the persons who happen to be in court are sworn upon it. The proceeding in this court is by summons, for which 6*d.* is paid to the town clerk, with 6*d.* for service to the serjeant at mace, if the demand exceeds 5*s.*, and nothing if it be below that sum. Of the decrees pronounced, about one in every 15 is taken out. If the decree be not taken out, there is no expense except the summons and service; when taken out, the cost is at the rate of £5 per cent. on the sum mentioned in it.

The sovereign gives the decree against the goods or person of the defendant, at the option of the plaintiff; when against the goods, a sale by auction takes place after four days. The costs of a decree against the person are lower than against the goods. Against the person, for £1 10*s.*, the costs amounted to 2*s.* 6*d.*; against the goods, for £1 7*s.* 6*d.*, to 4*s.*; and, for 4*s.* 7½*d.*, against goods, to 1*s.* 6*d.*

Borough Court.

There was a court called the Borough Court, for recovery of sums not limited in amount, at which, also, the sovereign presided.

ATHY.

The proceedings were grounded on an affidavit of debt, on which an attachment issued, for the amount alleged to be due, against the goods or person of the defendant, as the plaintiff desired. Before the issuing of this process, the plaintiff was always required to give bail to prosecute his suit, and the defendant to abide the result; pleadings were filed, and the trial had before the sovereign and a jury, empannelled by the town clerk. In this court none but professional men practised, and a duty of £20 was payable by attorneys to the stamp office on their admission to it.

There has been no suit instituted since 1827. The attorneys who practised in it have died, and no others have been found willing to incur the expense of admission.

The costs in this court were high, amounting, on the first process, to the sum of £1 3*s.* 4*d.*, of which 13*s.* 4*d.* went to the town clerk, 5*s.* to the sovereign, and 5*s.* to the serjeants at mace. On the trial, the sovereign received 13*s.* 4*d.*, the town clerk 6*s.* 8*d.*, the officer for calling the jury 2*s.* 6*d.*, the court keeper 2*s.* 6*d.*, and the jury 12*s.*, making together, on the hearing, £1 17*s.* One instance was mentioned in which the costs of the plaintiff alone amounted to upwards of £8. The costs were taxed by the town clerk.

It does not appear that the revival of such a court, unlimited in amount of claim, before an unprofessional person, and where the costs were so heavy, as above stated, is desired by the inhabitants of a district, near the capital, the seat of the superior courts, and who have the Assistant Barrister's Court to resort to for the recovery of small demands.

Assizes. Athy is alternately, with Naas, the assize town for the county of Kildare. The summer Assizes are always held here.

Quarter Sessions. Quarter Sessions occur twice a year, namely, in January and June.

Petty Sessions. Petty Sessions are holden every Tuesday, at which the sovereign sits with county magistrates for cases arising within the district.

Presenting Court. There is a court, called a Presenting Court, held annually in the month of October. To this court about 50 of the most respectable inhabitants are summoned by the town clerk, from whom a grand jury of 23 is selected to pass presentments for the ensuing year. The court sits for a few hours only, and presents for the repairs of the bye-ways, sewers, and public pumps, the amount of which presentments are raised from the inhabitants, being applotted annually amongst them by persons appointed by this grand jury for the purpose. Copies of the warrants for the collection of the amount of the presentment of 1831, are annexed to this Report. The amount raised last year (1832) was £34 17*s.* 6*d.*; the year before, £27 15*s.* 6*d.*; but for the four years prior to that year, the assessments amounted altogether to only £23 2*s.* The reason given for the last two assessments being high was, that during that period all the bye-ways of the town had been put into repair. This work cost, in addition to the sums applotted, about £80, which was raised by private subscription.

The officers of the corporation were unable to state under what authority the presenting jury acted and assessed the inhabitants. The assessments do not appear to have been resisted, and the amounts were most usefully applied.

Market Jury. A Market Jury is selected from the names remaining on the panel after the swearing of the grand jury. This market jury consists of 12, who act for one year in the inspection of the markets, weights, and measures, &c. It was formerly sworn before the sovereign, but now (apparently under the Acts 27 Geo. III. c. 46, and 28 Geo. III. c. 42, s. 9) at the Quarter Sessions Court, half-yearly. This jury is efficient, and of the greatest public utility in preventing the use of fraudulent weights and measures, and seizing unwholesome meat.

Police. 11. There is no Corporate Police except the serjeants at mace.

There are a chief constable and 11 of the county constabulary stationed in the town, and they act under the sovereign as a justice of the peace.

Prison. 12. There is no Corporation Prison.

The county gaol is within the limits, and the sovereign commits persons to it for offences within his district, but except for this purpose the sovereign has no control over it.

Public Charities. 13. There is no Charitable Foundation under the superintendence of the corporation.

Schools. 14. There is a School in the town, supported by voluntary contributions, the average attendance at which of boys and girls is about 100.

There is another, called the National School, supported by voluntary contributions, and a small grant from the Education Board; the average attendance is about 300.

There is also a dispensary supported by voluntary contributions and county presentments, in the usual way.

Fines. 15. There have not been any Fines imposed by the corporation on its own members. The sovereign, in his magisterial capacity, has occasionally inflicted fines, but to a very inconsiderable amount, which has been applied in charity.

Property. 16. The corporation have not any Landed Property, and, it was alleged, were never possessed of any revenue, except that which arose from tolls and cranage.

Fairs and Markets. 17. Tuesday and Saturday in each week are now market days. The Market, though well attended, is materially injured by the existence of a turnpike at the entrance of the town, at which the charges are very high. To avoid this impost, farmers, who would otherwise come here, resort to the Carlow market. There are six Fairs in the year.

There is extant in the "MSS. Evidence of the Leinster Family," p. 129, an entry of a grant to the corporation, bearing date the 7th October 1515, of a Market on every

Tuesday, in such part of the town as Gerald Earl of Kildare should permit; and in addition to the grants of Fairs already mentioned, there appears upon the rolls (p. 34. ch. 11. p. d. 34) a grant to William Earl of Desmond, of two fairs, namely, on the 29th May and 30th of November, each to continue for two days, and to be held at the town of St. John's, *near* Athy.

Tolls and Customs.

18. Toll was formerly taken at fairs and markets, but now at fairs only. The schedule under which it is collected is stated to have been prepared by the recorder. There are six toll boards exposed in different parts of the town, and the corporation appear anxious to prevent imposition in the collection.

Formerly the Tolls and Customs were let from year to year at £200 per annum. They are now collected by persons appointed by the sovereign. The amount is paid into the hands of the treasurer.

Accounts.

19. The receipts of last year (1832) were,

For cranage - - - - - -	£144	9	1
For tolls - - - - - -	133	4	11
Making together -	£277	14	0

The year before, the receipts were £168 12*s.* One halfpenny per sack is the charge for weighing at the public crane. Potatoes are weighed, and a ticket of the weight given, without any charge.

For the last three years the receipts have more than covered the expenditure.

The present treasurer was appointed in 1829, on which occasion his predecessor handed over to him £13 7*s.* 2½*d.*, but a sum of £63 8*s.* 8½*d.* was then due to the corporate officers on account of their salaries, leaving the corporation £47 14*s.* 6½*d.* in debt up to the 29th of September 1829.

For the year ending 29th September 1830,

The receipts were - - -	£149	18	0½
The disbursements - - -	150	1	4
Deficiency -	£0	3	3½

For the year ending 29th September 1831,

Receipts - - - - -	£157	4	3
Disbursements - - - -	133	19	10
Surplus -	£23	4	5

For the year ending 29th September 1832,

Receipts (including last balance)	£168	12	0½
Disbursements - - - -	138	18	10
Surplus -	£29	13	2½

For the year ending 29th September 1833,

Receipts (including last balance) -	£144	9	1
Disbursements - - - -	131	5	5½
Surplus -	£13	3	7½

The disbursements consist of the salaries of the officers, which amount together to £115 6*s.* 1*d.* per annum, and of the expenses in the collection of the tolls and customs, &c.

Collectors.

There are seven principal Collectors of the tolls. They are all members of the Established Church. The circumstance, that of the corporation and its officers, including the principal toll collectors, only one of the burgesses and one of the serjeants at mace are Roman Catholics, where a large majority of the population are of that religion, seems to justify an impression which exists in the town, that a strong sectarian feeling prevails in some portion of the corporation.

Local Acts.

20. There are no Local Acts of Parliament relating to this borough. The Acts relative to the turnpike road from Athy to Castlecomer and Old Loghlin, are the 25 Geo. II. c. 19, 15, 16 Geo. III. c. 12, 48 Geo. III. loc. and pers. c. iv. and 1, 2 Geo. IV. loc. and pers. c. xxxviii.

Statistical Details.

21. The town of Athy extends into the parishes of Church Town, St. John, and St. Michael. It contained, according to the Returns of 1831, 4494 inhabitants.

Their occupations were as follows:

Families chiefly employed in agriculture - - -	287
Ditto in trade, manufactures, and handicraft - -	336
All other families not comprised in the two preceding classes	319
Occupiers employing labourers - - - -	15
Ditto not employing labourers - - - -	13
Labourers employed in agriculture - - - -	344
Employed in retail trade, or in handicraft as masters or workmen - - - - - - - -	439
Capitalists, &c. - - - - - - - -	69
Labourers employed in labour not agricultural - -	54
Houses inhabited - - - - - - -	712
Ditto uninhabited - - - - - - -	11
Ditto building - - - - - - -	10

ATHY.

Union Compensation.

22. Prior to the legislative Union between Great Britain and Ireland, this borough returned two Members to the Irish Parliament. At the Union, the usual sum of £15,000 was granted as Compensation for the loss of the elective franchise, £1200 of which was paid to Lord Ennismore, and £13,800 to the trustees of William Duke of Leinster, upon the trusts of his marriage settlement.

State and Prospects.

The town being situate upon the banks of the grand canal, at its junction with the navigable parts of the river Barrow, possesses the advantage of a water communication both with the capital and other parts of the country. There is a very considerable corn market here, and commerce, generally, is rather improving. The town is the property of the Duke of Leinster. It is not lighted, and no effort has been made to introduce the provisions of 9 Geo. IV. c. 82, for the purposes of paving and lighting.

Documents sent.

23. Documents sent with this Report:

1. Copy of Resolutions of 29th September 1824, relative to Tolls.
2. Warrant for Assessment in 1831, for St. Michael's Parish.
3. Ditto for St. John's and Churchtown Parishes.
4. Decree from Sovereign's Court.

HENRY BALDWIN.

Inquiry held the 3d and 4th October 1833.

347

REPORT

ON

THE BOROUGH OF BALLINAKILL.

CONTENTS.

	Page
Limits	149
Charters	149
Title	149
Corporation, extinct	149
Union Compensation Money	149
Constitution	149
Sovereign	149
Burgesses	149
Serjeants at Mace	149
Freemen	149
Courts	149
Sessions	149
Police	149
Prisons	149
Schools	149
Dispensary	149
Property	149
Lands	149
Tolls	149
Streets	150
Fairs and Markets	150
Statistical Details	150

BOROUGH OF BALLINAKILL.

1. THE Limits of the Borough of Ballinakill are prescribed by charter. They extend, from the centre of the town, on the north, on the Dublin road, about an English mile; on the east, to Camerford's Brewery, about 60 perches; on the south, a distance of 120 perches; and on the west, to Mr. Stubbard Mallin's demesne wall, about 120 perches. LIMITS.

"The castle in the town" is especially excepted by charter out of the jurisdiction of the corporation, and the site, on which it stood, always continued so in practice.

2. This borough was incorporated by a Charter, which bears date the 18th December, in 10 Jac. I, and is enrolled in Chancery. (Rot. Pat. 10 Jac. I. p. 1, m. 28.) By this charter James gave to the sovereign, free burgesses, and commonalty the power of returning two Members to Parliament, nominated the first sovereign and burgesses, prescribed the mode of electing officers, granted a Court of Record, to be held before the sovereign on every Thursday, for all personal actions not exceeding five marks, and one fair to be held on each Thursday in the week of Pentecost, and to continue for the morrow of the same, and another fair on every 5th day of November, and the day after, with a Court of Pie Poudre, and all liberties, emoluments, &c. to such courts, markets, and fairs, pertaining; and constituted the sovereign clerk of the market. CHARTER.

3. The Title given to the corporation by this charter was that of "The Sovereign, Burgesses, and Freemen of the Borough of Ballinakill." Title.

4. This corporation has ceased to exist. Prior to the Union between Great Britain and Ireland, the borough returned two Members to the Irish Parliament, and the elective franchise being vested in the corporation, its offices were filled, and the corporation kept up, for the purpose of exercising the right of election. At the Union, Charles Marquis of Drogheda, who was the patron of the borough, received £15,000 Compensation Money for the loss of the elective franchise, and upon its ceasing to be a parliamentary borough the corporation was allowed to fall into disuse. Union Compensation Money.

5. As long as it existed the corporation consisted of one sovereign, twelve burgesses, and an unlimited number of freemen, and there were two serjeants at mace. Constitution.

The Sovereign was nominated by Lord Drogheda, and was generally non-resident. The sovereign, or his deputy, was clerk of the market, and returning officer at elections for Members to serve in Parliament, and a justice of the peace within the district. He also presided at the Civil Court of the Borough. Sovereign.

The Burgesses were nominated by Lord Drogheda, and elected by the corporation from the body of the freemen; they were all non-resident. Their privileges consisted in an exemption from tolls and customs, and a right to vote for Members of Parliament. Burgesses.

6. Freemen were admitted by the sovereign and burgesses at the will of the patron. About the time the corporation fell into disuse there were three resident freemen, and a much greater number non-resident. Freemen were also exempt from tolls and customs. Freemen.

7. Prior to 1800, there was a Court held here, at which the sovereign, or his deputy, presided, for the recovery of Debts to the amount of five marks. The process was by attachment against the goods; fees on the issuing of the attachment amounted to about 2*s*. 6*d*. There were no juries in this court; there being no sovereign to preside, it has fallen into total disuse since 1800. There was a Manor Court here for the recovery of sums under 40*s*., but this court has also fallen into disuse, and has not been held for the last 10 years. Courts.

Quarter Sessions and Petty Sessions were formerly held in this town; both have been removed to Abbeyleix, a town distant about three miles. The former were removed 13 years ago, the latter about two years since. Sessions.

The inhabitants of Ballinakill complain of the removal of the petty sessions, and are most anxious to have them re-established, but there is only one resident magistrate in the town at present.

8. There are 13 County Police stationed here. Police.

9. There is no Prison. Prison.

10. There never was any School, or other charitable foundation, under the superintendence of the corporation. There is one male and one female National School, supported by subscriptions, and grants from the Education Board. At the male school there are about 180, and at the female school 270 pupils. Schools.

The only other charitable foundation within the district is a Dispensary, supported by voluntary subscriptions, and by presentment in the usual way. Dispensary.

11. I did not discover that this corporation ever had any Lands or Commons. Lands.

12. There were Tolls and Customs collected here every day in the week. It was stated that the tolls and customs taken on Wednesdays and Saturdays belonged to the lord of the manor; on the other days to the corporation. Tolls and Customs.

BALLINAKILL.

They were received up to 1814, but not since; and I was unable to procure any schedule according to which they were collected. When received, they were applied by the sovereign to his own use.

Streets.

13. The Streets are repaired by the trustees of the turnpike road, mentioned in the Report on Athy, and by county presentment. Earl Stanhope, the lord of the manor, keeps the market-house in repair.

The town is not paved nor lighted.

Fairs and Markets.

14. In addition to that already stated, the following grants of Fairs and Markets appear recorded:

Date of Grant.	Enrolment.	Granted.	Days.
3d April 1606 . .	p. 4 Jac. I. p. 2, m. 13.	Sir Thos. Coatch, Knt.	Market, Saturday. Fair, 1st August, and day after, with all emoluments.
18th December 1612,	p. 10 Jac. I. p. 3, m. 28.	Corporation.	Fair, Thursday in Whitsun-week, and 5th Nov. with tolls.
22d July, 55 Geo. III. (1815.)	Lib. 19, f. 1, 209.	Earl Stanhope.	Fairs, 22d March, 22d April, 16th October, and 16th December, with tolls, &c.

In practice, the markets were held on Wednesday and Saturday; the Wednesday's market has long been disused, but the Saturday's was well attended up to about six years since, when a market was established at Abbeyleix on the same day.

The inhabitants of Ballinakill allege that Thursday is the patent day for the market at Abbeyleix, and that there is no patent for one there on Saturday; and they state that to encourage the market at Abbeyleix, petty sessions are held there on Saturday, and that the market at Ballinakill is greatly injured by the establishment of a Saturday market at Abbeyleix.

Statistical Details.

15. The population of the town amounts to about 2000, that of the corporation district to upwards of 3000.

Of the former the occupations, according to the census of 1831, were,

Families chiefly employed in agriculture - - -	7
Ditto in trade, manufacture, and handicraft - -	146
Ditto not in former classes - - - - -	193
Individuals in retail trade or in handicraft - - -	200
Houses inhabited - - - - - - -	335
Ditto uninhabited - - - - - - -	21
Ditto building - - - - - - - -	4

The town is evidently declining.

HENRY BALDWIN.

Inquiry held 2d October 1833.

REPORT

ON

THE BOROUGH OF BALTINGLASS.

CONTENTS.

	Page
Limits	153
Charter	153
Title	153
Officers	153
Sovereign	153
Burgesses	153
Select Body	153
Union Compensation	153
Freemen	153
Recorder and Town Clerk	153
Serjeant at Mace	153
Clerk of the Market	153
Jurisdiction	153
Manor Court	153
Petty Sessions	153
Police	153
Prison	154
Public Charities	154
Property	154
Tolls and Customs	154
Markets and Fairs	154
Statistical Details	154
State and Prospects	154

BOROUGH OF BALTINGLASS.

1. THE Limits of the Borough of Baltinglass extend beyond the town as built upon, and comprise 300 acres contiguous to it, and lying upon the west and south sides. These are the limits prescribed by charter, and they have not been altered. LIMITS.

2. This borough was incorporated by a Charter, granted by King Charles II., in the fifteenth year of his reign. (Rot. Pat. 18 Car. II. No. 22, m. 1.) CHARTER.

This charter prescribes the mode of electing the sovereign and free commons, but not the burgesses. It names 12 persons to be "free burgesses, and of the common council of the borough." It gives the sovereign, burgesses, and freemen the power of making bye-laws; it constitutes the sovereign a justice of the peace and coroner for the district, exempts the members of the corporation from serving on juries out of the limits, and contains a grant of a Court of Record for the manor of Baltinglass for all pleas not exceeding £10.

3. The corporation is entitled in this charter "The Sovereign, Burgesses, and Free Commons of the Borough of Baltinglass." The officers are, Title.

4. Officers.

One Sovereign,
Twelve Burgesses,
One Recorder and Town Clerk,
One Serjeant at Mace, and
One Clerk of the Market.

The Sovereign is elected annually on the Monday next after the feast of St. John the Baptist by and from the burgesses, and is sworn into office upon the Monday following Michaelmas day. Sovereign, how elected.

He is empowered by charter, with the consent of the majority of the burgesses, to appoint a deputy from the resident burgesses.

The sovereign or deputy is a justice of the peace within the limits during his year of office, and the sovereign for one year after; and he acts as such. He is also coroner. Functions.

He has at present no Salary nor emolument.

Burgesses are elected for life. By charter they ought to be chosen from the body of the freemen, but this has not latterly been the case. Burgesses.

Prior to the 29th of September 1832, there were but two burgesses and no freeman. On that day, ten of the present burgesses were nominated and sworn, the majority of whom are not resident within the district, but live not many miles distant from the town.

Burgesses have no functions to perform.

Lord Aldborough is the patron of this borough; there is no Select Body, all power being vested in his lordship. In fact, the corporation was virtually extinct until the election of the 10 burgesses, in 1832, and I apprehend, was not capable of being restored by that proceeding. Select Body.

The Aldborough family received the £15,000 Compensation Money for the elective franchise in 1800. Union Compensation Money.

5. There are no Freemen. Freemen.

By charter the sovereign and burgesses were empowered to admit to their freedom "such and so many persons as the majority of them should think meet."

The power of nominating to the office of "Recorder and Town Clerk" during pleasure, was vested by the charter in Sir Maurice Eustace, his heirs and assigns. The Recorder and Town Clerk.

The "recorder and town clerk" performs no duties.

The Serjeant at Mace is appointed by the sovereign and burgesses. Serjeant at Mace.

The right of nomination to the office of the Clerk of the Market was vested by charter in Sir Maurice Eustace, his heirs and assigns. The Clerk of the Market.

6. There was a Manor Court within the borough for the manor of Baltinglass. The borough is included in the manor, and the corporation was by charter to do suit and service to the manor of Baltinglass, and the inhabitants to plead and be impleaded in its courts; and a seneschal, to be appointed by Sir Maurice Eustace, his heirs and assigns, was to preside in the Manor Court, which was constituted a Court of Record, to entertain claims to the amount of £10. Jurisdiction. Manor Court.

This court has long been discontinued, and there has not been any court, civil or criminal, within the district for upwards of 30 years, except the Petty Sessions Court, which sits weekly, and at which county magistrates preside. Petty Sessions.

7. There are no corporate Police, save the serjeant at mace; 24 of the county constabulary are stationed here. Police.

8. There is no Prison under the control of the corporation; prisoners committed from the district are sent to the county bridewell, which is situate here. The charter conferred on Sir Prison.

BALTINGLASS.

Maurice Eustace the right of erecting one prison for the manor, and to appoint a keeper of it.

Public Charities.

9. There is no Charity under the control of the corporation.

There are some Schools supported by voluntary contributions, and a dispensary and county infirmary in the town.

Property.

10. The corporation have not, and do not appear to have ever had any landed Property.

Tolls and Customs.

11. They have no income at present; formerly they had the produce of the Tolls and Customs, but none have been collected for the last three years.

Fairs and Markets.

12. The charter granted to Sir Maurice Eustace, his heirs and assigns, the power of holding two Fairs in the town of Baltinglass, for three days each, beginning on 1st May and 1st September, and a weekly Market on Friday; and granted to him the toll of the fairs and market. Friday is still market-day, and there are six fairs in the year, two of which are held under the charter of Charles II. and four under a patent which bears date the 5th August 1763, (3 Geo. III. p. 3. m. 9,) granted to John Lord Baltinglass. This patent also contains a grant of a weekly market on Tuesday, (not held,) and of the tolls and customs of the markets and fairs, to his lordship.

Statistical Details.

13. The population of the town amounted, in 1831, according to the census of that year, to 1670.

Their occupations were,

Families chiefly employed in agriculture	94
Ditto in trade, manufactures, and handicraft	152
Ditto not comprised in the preceding classes	69
Individuals employed in retail trade, or in handicraft, as masters or workmen	191
Capitalists, &c.	21
Labourers employed in labour, not agricultural	12

Houses inhabited	244
„ uninhabited	10
„ building	2

State and Prospects.

14. The town is poor and not improving; it is the property of Lord Aldborough. The corporation having no property, and exercising no jurisdiction, does not continue to exist, if it has a legal existence, for any public purpose.

HENRY BALDWIN.

Inquiry held in October, 1833, before John Colhoun, Esq. since deceased.

355

REPORT

ON

THE BOROUGH OF BANAGHER.

CONTENTS.

	Page
Limits	157
Charter	157
Title	157
Corporation extinct	157
Union Compensation Money	157
Books, &c. lost	157
Courts	157
Petty and Quarter Sessions	157
Police	157
Prison	158
Schools	158
Property	158
Fairs and Markets	158
Tolls and Customs	158
Statistical Details	159
General Remarks	159

BOROUGH OF BANAGHER.

1. THE local Limits of the Borough of Banagher extended, on the north-east, to the castle of Streamstown; on the south, to the mearing of the Glebe and Garrycastle; on the south-west, to the bridge of Lusmagh; on the west and north-west, to the Shannon and the Bresna rivers. On the north-east, the limit is distant about a mile from the town, the other limits, except the Shannon, are about half a mile; the river is not so far; except by the rivers, the boundaries are but imperfectly defined. LIMITS.

2. This town was incorporated by a Charter of King Charles I., bearing date the 16th day of September, in the fourth year of his reign, by which it was ordained that 101 acres of arable land and pasture, and 10 acres of bog and moor, in the town and lands of Bannacher-Srahnabrone, Locharrow, and Bealanaleek, next adjoining the river Shannon, and 99 acres of arable and pasture land, 10 acres of wood and moor of the land of Lomcloane, next adjoining to Clongawnagh; and 50 acres of wood and moor of Clongawnagh and Camcourt, should be a free borough. And the same charter granted one-thirteenth of all the aforesaid lands there expressed to contain 200 acres of arable land and pasture, and 70 acres of wood and moor, together with the liberty of fishing in the river Shannon, to Sir Arthur Blundell, his heirs and assigns, for ever, to be holden in free burgage at a rent of 3*s.* 1*d.*; and one-thirteenth of the said lands and tenements to Sir Matthew Derenzie, his heirs and assigns, for ever, at a like rent; and granted one other one-thirteenth to each of the other 12 burgesses in said charter named, at a like rent. It further granted to the sovereign, burgesses, and free commons of Banagher, and to their successors for ever, certain lands mentioned to contain 222 acres of arable and pasture land; and 7 acres of wood and moor, for the maintenance of such preaching minister as should be appointed by the sovereign and burgesses, or a majority of them, and their successors, to reside in the said town, and for so long as such preaching minister should reside and discharge the cure there, and no longer, and in his absence, for such person as should celebrate divine service in Banagher. And it granted 43 acres of arable and pasture, and 25 acres of wood and moor, in the lands of Boulmarge, next to the lands of Egliss and Ballycolcan, and 80 acres of arable and pasture of Ballyneturry, adjoining Derry, and 77 acres of arable and pasture, and 60 acres of wood and moor, in the lands of Derry, containing together 200 acres of arable and pasture, and 85 acres of wood and moor, to the use of such schoolmaster as the chief governor of Ireland for the time being should appoint, to reside and teach in the said town; and in default of such appointment, to the maintenance of a free school and such master as the major part of the burgesses should appoint, until another should be appointed by the chief governor for the time being. It contained a grant of a court, to the limit of £20 sterling. It constituted the sovereign, or deputy-sovereign, a justice of the peace within the limits of the corporation, and coroner and clerk of the market, and empowered the corporation at large to return two Members to the Irish Parliament. CHARTER.

3. The corporation is entitled in this charter, "The Sovereign, Burgesses, and Free Commons of the Borough and town of Bannacher *alias* Bannagher." Title.

4. In 1800, this Corporation was deprived of its right to return Members to Parliament, and £15,000 Compensation Money was paid to the patron, the Right Honourable William Brabazon Ponsonby; since that year the corporate offices have not been filled. Prior to 1800, the corporation consisted of one sovereign, 12 burgesses and freemen; all were named by the patron, and the form of election only was observed. CORPORATION extinct. Union Compensation Money.

5. The Books belonging to this corporation are not forthcoming; and I was unable to obtain any testimony as to its several officers, further than that they were generally non-resident, and seldom performed any functions save that of electing the nominees of the patron to corporate offices and to Parliament. Books and Proceedings.

There was no inchoate right to freedom, and it seldom occurred that any inhabitant was made free.

6. Formerly the sovereign held, under the charter, a Court for the recovery of debts to the amount of £20 Irish; but this court has been discontinued for nearly 40 years, and I was unable to obtain any evidence as to its course of proceeding. The only court now held in the district is the Petty Sessions Court, which sits every second Monday. The Quarter Sessions for the district in which Banagher is situate, are held four times a year, at Birr, a distance of about six miles. It may be observed here, that the assistant barrister holds sessions only in two towns in the King's County, namely, Birr and Philipstown. There are several large towns in the county, such as Banagher, which would be benefited by sessions being held in them. Courts. Borough Court extinct. Petty and Quarter Sessions.

7. There is not, and never has been any corporate Police. The county constabulary act within the district; there are seven stationed in the town. Police.

BANAGHER.

Prison.

8. There is no Gaol within the district. The county gaol is at Tullamore, a distance of 18 miles from Banagher. Prisoners are often sent to Birr, where there is a bridewell. There is a place of temporary confinement in the police barracks, where persons are detained until fully committed.

Schools, Lands granted for. Acts of Parliament.

9. The charter gave to the corporation 200 acres of pasture, and 85 acres of wood and moor, to the use of the schoolmaster, "to reside and teach" in the town; and a School was accordingly established. An Act of Parliament 53 Geo. III. c. 107, after reciting the patent of the 4 Charles I., so far as relates to the grant for the use of the schoolmaster, vested the lands in the Commissioners of Education in Ireland, and placed the schools under their control. This Act was amended by the 3 Geo. IV. c. 79, and 11 Geo. IV. and 1 Will. IV. c. 56, but not so as to affect the government of the school; and the establishment in Banagher is now under the control of the board appointed by the 53 Geo. III. c. 107. The Lands granted by charter for this purpose are still in the possession of the board, and contain about 369A. 3R. 17P., according to a survey made in the year 1817, of which about 233 acres are arable and pasture. This land was formerly let at a rent of upwards of £300 a year; it is now all held by Doctor Alan Bell, the schoolmaster, at a rent of £148 17*s.* 10*d.*, which seems to be much below its value. The school is held within less than a quarter of a mile of the town, and within the limits of the borough. Doctor Bell is the schoolmaster, appointed by patent; he stated that the rent of the lands has been, for some time past, principally laid out on repairs of the house. There are no free scholars on the establishment, and Doctor Bell insists that he is not obliged to receive any. He charges as he thinks fit, and the establishment is in no respect different from an ordinary classical school, except that it is under the control of the board.

From the year 1798 to 1807 the school was not open, and it was stated by Dr. Bell, that the rents of the lands were, during that period, received by the gentleman who held the appointment of schoolmaster.

The other schools in the district are, a parochial school, under the Act of the 28 Hen. VIII. c. 15, supported by 40*s.*, late currency, from the incumbent, and an allowance from the Society for Discountenancing Vice; and a national school, supported by a grant from the new Education Board, and voluntary contributions: the last is very numerously attended.

The only other charitable foundation within the district is a dispensary, supported by voluntary subscriptions and county presentment, in the usual way.

Property.

10. There are not any corporation lands. It was stated that there were formerly 20 acres of commonage on the north-east side of the town, and 30 acres on the south side, but that they are all enclosed; the 30 acres, about 55 years ago by a tenant of Mr. Frazer, the 20 acres by degrees since.

Lands granted for the preaching Minister.

The rector of the parish holds the Land granted by the charter for the preaching Minister. The present rector is the Rev. Mr. Burdett, who is resident. He was presented to the living by Doctor Maxwell, the former bishop of Meath, in 1798. It was stated that the lands granted to the corporation for a preaching minister were formerly held by a clergyman, who officiated in a church now fallen into decay in the town, and who was always appointed by the corporation; but that an arrangement was entered into between the bishop of the day and the corporation, that there should be but one clergyman in the parish, to take the lands and the tithe, and that the bishop and the corporation should alternately appoint: this statement was denied by the Rev. Mr. Burdett, who asserted that the bishop is entitled, and has often exercised the right of appointing to the rectory, and that the lands have long gone with the rectory.

Fairs and Markets.

11. The following are the grants of Fairs and Markets to be held at Banagher, which appear on record:

Date of Grant.	Enrolment of.	Grantees.	Fairs, Markets, &c.
28th November 1612, at rent of 13*s.* 4*d.*	10 Jac. I. p. 3, m. 2, d.	Sir John M'Coghlan, Knt.	Market, Thursday. Fair, 8th September, and one day after, with the customs of both fair and market.
16th September 1628.	4 Car. I. p. 2, m. 41.	Corporation.	Market, Monday. Fairs, 1st May and 28th October, and day after each.

It is observable that the market has been held on Friday, and not on either of the days above mentioned; nor do the fairs, as held, except one, correspond with the patent days. There are now held three fairs in the year: the first on the 1st of May, the second on the 15th of September, and the third on the 28th of November.

Tolls and Customs.

12. Tolls and Customs are collected at both fairs and markets; the Honourable Frederick Ponsonby claims to be entitled to them under a patent which was not produced. They are at present let at a rent of £40 a-year, under the Court of Chancery.

13. The population of the town amounted, according to the census of 1831, to 2636.

Their occupations were,

Families chiefly employed in agriculture	162
Ditto in trade, manufactures, &c.	210
Ditto not comprised in the two preceding classes	119
Labourers employed in agriculture	232
Persons employed in retail trade, or in handicraft, as masters or workmen	312
Capitalists, &c.	49

The number of houses were,

Inhabited	459
Uninhabited	23
Building	21

GENERAL REMARKS.

14. Banagher is situate on the river Shannon, and has the advantage of a steam-navigation to Limerick and the sea, and also of a water-communication with Athlone, Ballinasloe, and Dublin, which affords it great advantages for trade, and it appears to be an improving town, and possessed of capacity for still further improvement. It has a very considerable corn-market. There was a general expression, on the part of the inhabitants, of a wish that a corporation should be established here, for the purposes of local government; and they think that moderate imposts, in the way of tolls and customs, would supply ample funds for the support of a corporation, and for the general improvement of the town.

HENRY BALDWIN.

Inquiry held 27th and 29th September 1833.

REPORT

ON

THE BOROUGH OF BLESSINGTON.

BOROUGH OF BLESSINGTON.

LIMITS.

1. THE charter directed that the Borough of Blessington should extend into the county of Wicklow, every way, from the middle of the town, 200 or more acres in the whole.

CHARTERS. 21 Car. II.

2. This borough appears to have been incorporated by a Charter granted to Michael Boyle Archbishop of Dublin and Chancellor of Ireland, and bearing date the 2d of August in the twenty-first year of Charles II. It is enrolled in Chancery. (Rot. Pat. 21 Charles II. p. 5. m. 1. d.)

Provisions of.

This charter, after stating that certain lands therein mentioned, situate in the county of Wicklow, had been adjudged by the Commissioners of Forfeited Estates, under the Acts of Settlement and Explanation, to the Archbishop, and had accordingly been granted to him by letters patent bearing date the 3d of May, 21 Charles II., (1669,) erected the lands so granted to him into a manor, "to be called and known by the name of the Manor of Blessington." It enabled the archbishop, his heirs and assigns, to hold, twice a year, a Court Leet and view of frank pledge, before a seneschal to be appointed by him or them; a Court Baron before the seneschal every three weeks, or seldomer, having jurisdiction to the extent of 40*s.*; and a law day, or Court of Record, at such times and places as he or they shall think fit, also before the seneschal, with jurisdiction not exceeding £10.

It further enabled him, or them, to erect a prison and appoint a gaoler for the manor, and to enclose 600 acres for a park; to hold a weekly market on Thursday, and three annual fairs, namely on the 1st and 2d of May, 24th and 25th of June, and 1st and 2d of November. And it granted to him, and them, the tolls, perquisites, profits, customs, and jurisdictions, of the fairs and markets, and empowered him, or them, to appoint a clerk of the market.

It then proceeded to incorporate the borough by the name of "The Sovereign, Bailiffs, and Burgesses of the Borough and Town of Blessington."

It ordained that the body corporate should consist of one sovereign, two bailiffs, and 12 burgesses, with power to admit such and so many persons to be freemen as the majority of the bailiffs and burgesses should think fit; the person admitted paying 5*s.* for his admission, for the use of the borough. It prescribed the mode of election of the sovereign, bailiffs, and burgesses; empowered them to elect inferior officers; and enabled the sovereign, with the consent of the majority of the bailiffs and burgesses, to appoint a deputy. It gave the appointment of the recorder and town clerk to the archbishop, his heirs and assigns, and to the sovereign, bailiffs, burgesses, and freemen the power of returning two Members to Parliament.

5 Jac. II.

A charter was granted by James II., but being dated subsequently to his abdication, it did not take effect; the date is the 13th day of May, in the fifth year of James II., and it is enrolled in Chancery. (Rot. Pat. 5 Jac. II. p. 1, m. 18.)

FAIRS and MARKETS.

3. The Market is held on Friday, although Thursday was the charter day. The charter Fairs are continued to the present time.

CORPORATION extinct.

There has been no Corporation in existence here, since the year 1800. Prior to that period the corporation was kept up for the purpose of returning Members to Parliament.

Union Compensation.

Arthur, late Marquis of Downshire, received £15,000 Compensation Money for the elective franchise at the Union.

4. The town of Blessington is the property of the Marquis of Downshire. It contained, according to the census of 1831, 426 inhabitants.

STATISTICAL DETAILS.

Occupations:

Families chiefly employed in agriculture	19
Ditto in trade, manufactures, and handicraft	34
All other families, not comprised in the two preceding classes	16
Occupiers employing labourers	2
Ditto, not employing labourers	11
Labourers employed in agriculture	22
Employed in retail trade or in handicraft, as masters or workmen	47
Capitalists, &c.	5
Labourers employed in labour, not agricultural	0
Houses inhabited	51

5. This town is not improving.

HENRY BALDWIN.

Inquiry held before John Colhoun, Esq., October 1833.

363

REPORT

ON

THE BOROUGH OF CARLOW.

CONTENTS.

	Page
Limits	165
Charters	165
Title	165
Classes	165
Officers	165
Sovereign	166
Burgesses	166
Serjeants at Mace	166
Town Clerk	166
Weighmaster	166
Bellman	167
Freemen	167
Governing Body	167
Bye-laws	167
Civil and Criminal Jurisdiction	167
Assizes	167
Quarter Sessions	167
Petty Sessions	167
Manor Court	168
Police	168
Prison	168
Schools and other Charities	168
Fines	168
Patronage	168
Property	168
Poizeage	168
Agreement for	168
Average Receipts	169
Fairs and Markets	169
Tolls and Customs	169
Weights and Measures	169
Juries	169
Statistical Details	169
State and Prospects	170
General Observations	170
Documents sent	170

BOROUGH OF CARLOW.

1. THE ancient Limits of the Borough of Carlow do not include the entire of the town as built upon. They comprise only that portion of it which lies on the left bank of the river Barrow and is in the county of Carlow, together with a small surrounding district. They do not include the suburb called Graigue, lying on the opposite side of the Barrow, and within the Queen's County. The ancient limits are not defined by boundaries, and are but imperfectly known. LIMITS.

Graigue is connected with the town by a bridge, and has been included within the limits fixed by the Boundary Act, for the purposes of Parliamentary representation.

2. The earliest Charter on record relating to the borough of Carlow, (formerly written Catherlagh, or Cathirlogh,) is one of William Marshall, Earl of Pembroke. It appears to be of a date about the 24 Edward I., (A. D. 1296,) and is enrolled in the Exchequer. (Rot. Mem. 47, 48 Edward III. m. 17.) CHARTERS. 1st Charter of the Earl of Pembroke, 1296.

By this charter the Earl granted to his burgesses of Catherlagh, "all such liberties as burgesses ought to have, and as it was lawful for him to confer," also "the right to have common of his woods outside his enclosures," and to have the power of making "such of their tenants free as held tenements of 20 feet of land, and that they might enjoy the common liberty with the burgesses," with other privileges then important. He also granted that the burgesses and their heirs should have and hold of him and his heirs, their burgages, with the appurtenances, freely for ever, by the rent which Geoffrey Fitz-Robert first constituted; viz. each burgage, with its appurtenances, by the rent of 12*d.* annually, to be paid, the half at Easter, and the other half at the feast of St. Michael.

This charter mentions a Hundred Court as being then in existence in the town, and ordained that it should be held once only in the week. It granted that the burgesses might have a guild mercatory, and other guilds, and exempted the burgesses from toll, lastage, passage, pontage, and all other customs, through the Earl's whole land, except the towns of Pembroke and Wexford.

The next Charter on record is dated the 19th April, 11 Jac. I. (A. D. 1613,) and is enrolled in Chancery. (Rot. Pat. 11 Jac. I. p. 1, m. 32.) It purports to have been granted at the petition of "the inhabitants," whom it incorporates by the style of "Portreeve, Burgesses, and Commonalty of Catherlogh." It contains a grant of a civil court before the provost, to sit on every Thursday for all pleas to the amount of five marks. This charter does not recite the previous existence of a corporation in the borough; it contains a grant to the provost and burgesses, to enable them to return two Members to the Parliament of Ireland. 2d Charter of 11 Jac. I. 19th April 1613.

The portreeve, burgesses, and commonalty, having presented a petition to King Charles II., obtained a new Charter, bearing date the 24th December, 26 Charles II. (A. D. 1674,) enrolled in Chancery. (Rot. Pat. 27 Charles II. p. 2, m. 17, d.) This charter ordains "that within the said borough there be one body corporate and politic, consisting of one sovereign, 12 free burgesses, and a commonalty, and that all the inhabitants within the said borough, be, and for ever hereafter shall be, one body corporate and politic." 3d Charter of 26 Charles II.

By this charter the title of the chief magistrate is altered from portreeve to sovereign, and the mode of election of officers is prescribed. It contains the grant of a Civil Court of Record for all pleas to the amount of five marks, and constitutes the sovereign a justice of the peace for the county of Carlow, and clerk of the market within the borough. It empowered the sovereign and burgesses to return two Members of Parliament.

The last Charter to this borough was granted by James II., and is dated at Dublin the 24th February, 4 James II., (A. D. 1689,) and enrolled in Chancery. (Rot. Pat. 4 Jac. II. p. 1, m. 28, d.) 4th Charter of James II.

This charter did not materially differ in its provisions from the charter of Charles II., except that it constituted 24 burgesses, and contained a grant of tolls for the maintenance of the market. It recites that the franchises of the town had been seized into the King's hands by a judgment of the Court of Exchequer, and, like the other charters of the same year, founded upon similar judgments of that court, is not now in force.

3. The corporation is governed by the Charter of Charles II., in which it is entitled, "The Sovereign, Free Burgesses, and Commonalty of the Borough of Catherlagh." Governing Charter. Title.

4. The classes of which it consists are enumerated in the title. Officers.

5. The Officers are,

One Sovereign,
Twelve Burgesses,
Two Serjeants at Mace,
One Town Clerk,
One Weighmaster of Butter, and
One Bellman.

CARLOW.

Sovereign, how elected.

The Sovereign is elected annually on the 24th of June by the sovereign and burgesses from the body of the burgesses, to serve for one year from the 29th of September following. There is no qualification save that of being a burgess.

Deputy.

The sovereign possesses by charter the power of appointing one of the burgesses to be Deputy with the approbation of a majority of the burgesses. A deputy is frequently appointed without such approbation.

Either the sovereign or deputy is required in practice to be resident.

There is no instance in modern times of the same person being sovereign for two successive years, but he frequently is sovereign one year, and deputy the next. During the last eight years, the same two gentlemen have been alternately sovereign and deputy.

Functions of.

The sovereign is by charter a justice of the peace, not only within the district of the corporation, but for the entire county of Carlow.

He is clerk of the market, and, until late years, attended to its regulations. Since the emoluments of the office have diminished, he has been remiss in the performance of this duty.

He formerly presided in the civil court of the borough, but this duty ceased with the discontinuance of the court.

The borough returns one Member to the Imperial Parliament, and the sovereign is the returning officer at elections.

Salary.

He has no fixed Salary. He receives the amount of a composition for tolls, which is called "Poizeage," and after paying thereout the salaries of the other officers, retains the residue to his own use. He also received a sum, varying from £40 to £100 per annum, from the weighmaster. This payment was stated to be a gratuity.

Burgesses, how elected.

The Burgesses are elected for life by a majority of the sovereign and burgesses, and in practice, out of the body of the freemen. There is no other qualification, and even this is sometimes virtually evaded by a person being elected a freeman, and, afterwards, a burgess on the same day.

The charter directs that vacancies in the number of burgesses shall be filled "of the better and more discreet inhabitants of the borough." This qualification, as regards residence, has not been at any time attended to, (at least since the Act of 21 Geo. II. c. 10,) and, of the present burgesses, four only are resident. Seven burgesses are required to be present at an election.

Functions of.

Burgesses have no duties, save those which they perform as the governing body of the corporation. Under the Reform Act, a privilege is reserved to those burgesses who reside within seven statute miles of the place of election, of being registered, and of voting at the election of Members of Parliament for the borough; a privilege which, as the corporation is now constituted, places so many votes in the power of the Earl of Charleville, who is the patron of the borough.

The number of twelve burgesses is kept up exclusive of the sovereign. The following is a list of the present burgesses:

1. Earl of Charleville,
2. William Browne, Esq.
3. Robert C. Browne, Esq.
4. Thomas Sterling Berry, Esq.
5. Francis Berry, Esq.
6. M. P. Berry, Esq.
7. William Fishbourne, senior, Esq.
8. William Fishbourne, junior, Esq. Sovereign,
9. Edward Butler, Esq.
10. Henry Butler, Esq.
11. Reverend F. E. Trench.
12. William Wallace, Esq.
13. Reverend John Lever.

Several of the burgesses are related to each other, and one of the Messrs. Berry is Lord Charleville's agent.

Serjeants at Mace, &c., how elected.

The two Serjeants at Mace, the Town Clerk, and Bellman are elected by the sovereign and burgesses, and hold during good behaviour.

By charter, the election of the serjeants at mace and all other inferior officers ought to be by the sovereign, burgesses, and commonalty.

Serjeants at Mace. Functions of.

The Serjeants at Mace act as constables of the borough. They also attend the market, and superintend the weighing of corn, and issue tickets of its weight,

They act as billet masters,

Salary.

And they receive a Salary of 20 guineas a year each, which is paid them by the sovereign out of the receipts of the poizeage.

Town Clerk. Functions of.

The Town Clerk attends the corporate assemblies and records the proceedings.

He keeps the current book of the corporation. The sovereign has charge of the others.

He received a salary of £20 late Irish currency which was paid him by the agent of Lord Charleville. This payment has lately been discontinued.

The office is not named in the charter.

Weighmaster. Functions of.

The Weighmaster weighs and tastes butter in the market, and weighs and brands empty firkins for butter, and performs the duties prescribed by the Act of the 52 Geo. III. c. 134. He also weighs other provisions.

It is stated that he was appointed weighmaster of the butter crane by the sovereign, on the

CARLOW.

29th September 1803, and weighmaster and taster of butter, by the sovereign and burgesses, on the 27th February 1813, pursuant to the above-mentioned Act.

The receipts of the office are very considerable. For 12 months, in the years 1827 and 1828, they amounted to the sum of £482 from the butter crane alone. In the year ending in 1829, 38,550 firkins were weighed at the public crane; in 1832, 17,508 only. This decrease may, however, be accounted for by the operation of the Act of the 10 Geo. IV. c. 41, which dispenses with the necessity, that previously existed, of having butter weighed by the butter weighmaster, before sale or exportation.

Bellman. Functions of.

The Bellman attends the coal market and superintends the weighing of coals, for which he receives 1*d.* per cart-load from the seller.

Freemen, how elected.

6. There are at present about 20 Freemen of this corporation; they are elected by the sovereign and burgesses for life, and all admissions have been by grace especial. Freemen pay no fees on admission, and the stamp duty has been generally paid by Lord Charleville, as patron of the corporation.

The charter constituted certain persons therein named, and such other persons as were then free, together with "all the inhabitants of the said town, and so many other persons as the sovereign and free burgesses of the said borough for the time being shall admit into the freedom of the said borough, to be of the commonalty of the said borough."

Upon this clause has been put here the same construction as similar provisions have received elsewhere, and it has been interpreted as conferring no right of freedom in consequence of inhabitancy.

Resident.

Of the present freemen six only are resident.

Applications for Freedom.

About three or four years since, 150 inhabitants (among whom were several Roman Catholics) sought to be admitted to their freedom, under the "New Rules" of 25 Charles II., and tendered to the sovereign £1 as the admission fee. Being rejected, they took the freemen's oath before a justice of the peace for the county, according to the rules.

Reason of Refusal.

Amongst the numbers thus rejected were several persons of unquestionable respectability, and the cause assigned for the refusal to admit them was, that the corporation party did not wish so many persons to participate in the privilege which freemen enjoy, of being exempt from tolls and customs. The true reason was an apprehension on the part of the corporation of conferring on them the elective franchise; and, notwithstanding the proceedings taken under the "New Rules," those persons have not been suffered, in any respect, to enjoy the privileges of freemen.

Clause in Charter of Charles II.

The charter of Charles II. contains a clause with respect to freedom, which I have not met with in any other charter.

After stating that it would tend much to the advancement of trade and commerce in Ireland, that all sorts of manufactures should be improved therein, and that the sovereign, free burgesses, and commonalty had declared themselves willing to give all encouragement to so good a work, it declared the King's will and pleasure to be, and that the sovereign, free burgesses, and commonalty, of the borough of Catherlagh, did, for themselves and their successors, accordingly grant, and agree to and with the King, his heirs and successors, "that it should and might be lawful for every person and persons, as well strangers and aliens as the King's subjects, of the Protestant religion, who were or should be traders, artisans, or otherwise skilled and exercised in any craft or trade, or in the working or making any manufacture, who should at any time thereafter, at or before the end of the then next session of Parliament, come into the borough of Catherlagh, with intent there to inhabit and dwell, upon request, and payment or tender of 20*s.*, by way of fine to the sovereign, to be admitted a freeman of the borough, during his residence there, and enjoy all privileges and sustain all charges as other freemen."

Privileges.

The privileges of freemen are, exemption from tolls and customs, and eligibility to offices in the corporation, as above stated. They ought also, by charter, to participate in the making of bye-laws.

There is not any Roman Catholic now a member of this corporation, nor has any been admitted since the relaxation of the penal laws in 1793.

Governing Body.

7. The sovereign and burgesses constitute the Ruling Body. As, however, they are all persons connected with, or in the immediate interest of the Earl of Charleville, the management of the corporation is entirely in his lordship's hands. In form, this body possesses the power of self-election, but, in fact, the constitution is still more objectionable, its members being merely the nominees of Lord Charleville.

Bye-laws.

8. By charter, the power of making Bye-laws is vested in the corporation at large; it has, however, been exercised by the sovereign and burgesses alone; latterly, it has been but seldom used. The last bye-law bears date the 24th of June 1818. None of the bye-laws require particular notice.

Jurisdiction.

9. The corporation exercises at present no Jurisdiction, criminal or civil. The civil court of the borough has long since fallen into disuse, and there did not appear to be any intention of reviving it.

Assize Town.

Carlow being the capital of the county of the same name, Assizes for the county are held in it twice a year.

Quarter Sessions.

Quarter Sessions are held four times in the year, and

Petty Sessions.

Petty Sessions weekly on every Thursday. The sovereign and other magistrates of the county of Carlow preside at them. Their jurisdiction, therefore, does not extend to that portion of the town which lies in the Queen's County. This is a defect in the administration of justice from which much inconvenience and many evil consequences result.

CARLOW.

Manor Court.

There is a Manor Court, the jurisdiction of which was stated to extend over the entire town and to a distance of between six and seven miles in the direction of Tullow, in the county of Carlow. Its jurisdiction is limited, in amount of claim, to £10 late Irish currency.

This court was stated to have been established under letters patent of King James I.

No copy of this patent was produced, and the constat was not lodged in the office of the clerk of the peace, as prescribed by Act of Parliament. I have not been able to find any such patent, but I have discovered a grant of the manor of Carlow to Sir Barnaby Bryan, by King Charles I., dated the 23d of March, in the fourteenth year of his reign; (A. D. 1639;) and Benedict Hamilton, Esq., who now claims to be the Lord of the manor, is, probably, the assignee of the rights under this patent. Mr. Hamilton appointed a seneschal by deed of deputation, about the 1st of January 1833. Prior to this appointment there had not been an acting seneschal for about 10 years.

The present seneschal, who is an attorney, has held a court only twice since his appointment, and disposed of one case on each occasion. There is always a jury summoned by a marshal of the court.

Proceedings in.

The Proceeding is by summons, which is issued and served seven clear days before a hearing. The decree is against the goods only, which are seized, and sold in four days, unless the amount be paid. The fees are, for a summons, 1*s.*; entry, 1*s.* 6*d.*; decree, 3*s.* 6*d.*; to marshal for serving the summons, 6*d.*; to same, on the decree, 6*d.* in the pound.

This court, in former times, proceeded also by the process of attachment, on affidavit of debt, against the goods or person. The expense of proceeding in this way amounted to about £1 15*s.*

It did not appear that the disuse of this court for 10 or 12 years, was attended with any inconvenience to the community, nor that any public advantages are likely to result from its revival.

Police.

10. There is no corporate Police, save the serjeants at mace. Sixteen of the county constabulary, and a sub-inspector and chief constable are stationed here. The present chief constable is a justice of the peace.

The police act under the direction of the sovereign or his deputy.

Prison.

11. There is no corporate Prison, and prisoners from the district are committed to the county gaol, which is in the town.

Charities.

12. The corporation are not connected with any public Charities.

Schools.

There are several charitable Schools, supported by voluntary contribution, aided, in some instances, by grants from the Education and other boards.

There is here a large public seminary, a portion of which is devoted to the education of ecclesiastics for the Roman Catholic Church, under the superintendence of the Roman Catholic bishop of the diocese of Kildare and Leighlin.

County Infirmary, &c.

The County Infirmary, Lunatic Asylum, Fever Hospital, and a Dispensary, are also within the town.

Fines.

13. There have not been any Fines imposed by the corporation on its own members. Fines have been levied by the sovereign, in his magisterial capacity, to an inconsiderable amount, and have been applied in charity.

Patronage.

14. There is no Patronage in the hands of the corporation.

Property.

15. The corporation have not any Landed Property.

Poizeage.

16. Their income is wholly derived from Poizeage. The composition which is called poizeage was made between the sovereign and two of the burgesses on behalf of the corporation, and several gentlemen on behalf of the inhabitants. The Agreement bears date the 24th of June 1818, and is as follows:

Agreement of 24th June 1818.

" Borough of Carlow, to wit.—Whereas several disputes have arisen concerning the collection of tolls heretofore usually collected and levied by the different officers of the said borough of Carlow, and riots and disturbances have arisen in consequence; and in order to quiet the said borough, and to put an end to all disturbance in future with respect to the collection of tolls, a final adjustment has been made and agreed upon, to the satisfaction of all the inhabitants of said borough, by and between Robert Jackson, Thomas Finn, and Thomas Houghton, Esquires, nominated and deputed by and on behalf of themselves, and said inhabitants, on the one part, and Edward Butler, the sovereign of said borough, and John Bennett, and Thomas Sterling Berry, Esquires, two of the burgesses of said borough, by and on behalf of themselves and burgesses of said borough, as follows, that is to say: that all corn, of every kind and description, brought or carried to or unto the town or borough of Carlow, either to be weighed at the public crane or scales, or to be weighed or measured at, or consigned or sent to any private scales or cranes, or store or warehouse, of any inhabitants of said borough, shall pay or be liable to pay, and shall be responsible for the amount of one penny per draught, exceeding one hundred weight, and one halfpenny for every lesser draught so brought, carried, or consigned, as aforesaid; and also for every car or cart-load of coals brought into said borough, for the weighing thereof one penny, whether weighed at public crane or elsewhere; they, the said corporation, keeping, at all times, sufficient beams and scales, with proper attendants, for weighing the said corn and coals, if required: provided always, that no sum whatever shall be paid or demanded for potatoes, or the weighing of same, which may be carried or conveyed to or into said town or borough; same to be free of any impost whatsoever; the said corporation keeping sufficient beams and scales to weigh the same. And in consideration of said final adjustment, and in contemplation of the same being carried into full and complete effect, without any evasion

CARLOW.

thereof, the said sovereign and burgesses of said borough, do hereby for them and their successors relinquish all claims to the collection or levying of tolls, as usually heretofore collected and levied by their officers. And the said Robert Jackson, Thomas Finn, and Thomas Houghton, on behalf of themselves and all the inhabitants of said borough and town of Carlow, do hereby agree to and with the said Edward Butler, the sovereign of said borough, and John Bennett and Thomas Sterling Berry, on behalf of themselves and the other burgesses of said borough, that said agreement hereinbefore recited or intended to be carried into effect and every part thereof shall be made a bye-law of said borough; and accordingly the said agreement is hereby to all intents and purposes declared to be a bye-law of said borough, and binding upon all inhabitants of said borough of Carlow: provided always, that nothing herein shall be construed hereafter to prevent the sovereign, burgesses, and commonalty of said borough, to amend or make a further bye-law for any increased allowances to the officers of the corporation, provided the poizeage should prove inadequate to remunerate their services.

" E. Butler, Sovereign. " Robert Jackson.
" John Bennett, } Burgesses. " Thomas Finn.
" T. S. Berry, } " Thomas Houghton.
" Present, Robert Browne, Town Clerk."

The merchants for some time charged the amount of this poizeage to the sellers, and paid it over annually, or half-yearly, to the corporation.

Agreement broken.

This agreement has been violated on both sides; by the public, in refusing to pay the amount of the poizeage, and on the part of the corporation, in neglecting to procure sufficient accommodation either in the corn or coal market; in the latter, the weights are particularly defective. The members of the corporation allege that they are not bound to perform their part of the compact, as the poizeage is not regularly paid, and for the same reason they have declined weighing potatoes gratis, notwithstanding the Act of Parliament (25 Geo. II. c. 15.) expressly requiring it. The principal merchants still endeavour to collect the poizeage, but meet with little success; nearly half the corn-sellers refuse to pay, and the merchants have no authority to enforce it.

Average Receipts.

It was stated that, on an average of the last seven years, the poizeage produced about £170 a-year, paid to the sovereign, out of which he expended about £63 annually, in payment of the salaries of the other officers, retaining the residue to himself. It seems surprising that the amount should be so small, as one merchant alone (Mr. Alexander) pays to the corporation about £30 annually, and many pay from £12 to £15 a year.

Frauds have been practised by the inferior traders, both on the sellers and the corporation; on the former, by taking sometimes more than the rate of poizeage, and on the latter, by not justly accounting for the amount received.

Fairs and Markets.

17. There are two weekly Markets in Carlow, on Mondays and Thursdays.

There are four Fairs in Carlow, and four in Graigue, in the year.

The Monday's market, and two of the Carlow fairs, with the tolls, were, by letters patent, bearing date the 6th of December 1722, (enrolled 9 Geo. I. p. 2. m. 37. d,) granted to James Hamilton, Esq.

Tolls and Customs.

18. There are two sets of Tolls and Customs collected in the district comprised within the limits prescribed by the Boundary Act.

Carlow Tolls.

To one set, namely, the Tolls and Customs of the fairs and markets of the Old Borough, Mr. Hamilton, as lord of the manor, lays claim. These tolls and customs were several years ago leased for a term of three lives, at a rent of £100 a year. That lease determined in 1832, and Mr. Hamilton stated that these customs at present produce nearly £300 a year; the charges on small quantities of butter are very high, 1*d.* being charged for a bowl containing 4 lbs., and ½*d.* for the smallest quantity.

Graigue Tolls.

There is a different set of Tolls and Customs charged upon goods coming into market through Graigue. These tolls are claimed by a Mr. Jackson, who has let them at a rent of £20 a year.

Schedules.

A copy of the Schedule of the Graigue customs and poizeage, and three paper writings, all purporting to be copies of the same schedule of ancient customs, payable in the town and manor of Carlow, although they differ from each other, are sent with this Report.

The corporate funds are so much reduced, that the salaries of the officers are in part unpaid, and their duties, particularly as connected with the market, are much neglected.

Weights and Measures.

19. The Weights and Measures through the town were formerly examined from time to time by the serjeants at mace and sovereign, but they have not been at all inquired after since the Christmas of 1831, and there are now a great many false weights and measures in general use. In the coal-market the weights are particularly defective.

Market Jury.

20. Up to 1828 the sovereign was assisted in the regulation of the market by a Market Jury. This jury was selected by the sovereign, and consisted of 12 persons, who acted for one year. Since 1828 no market jury has been sworn, in consequence of the reluctance of the inhabitants to attend upon it. The want of such a body is severely felt.

Statistical Details.

21. The population within the ancient limits of the borough was, in 1831, 9,114.

Their occupations were as follows:

Families chiefly employed in agriculture - -	96
Ditto in trade, manufactures, and handicraft - -	824

CARLOW.

All other families, not comprised in the two preceding classes	1,085
Occupiers employing labourers	5
Ditto not employing labourers	84
Labourers employed in agriculture	36
Employed in retail trade, or in handicraft, as masters or workmen	1,019
Capitalists, &c.	143
Labourers employed in labour not agricultural	409

Houses inhabited	1,351
„ uninhabited	136
„ building	11

The population of Graigue, included within the limits prescribed by the Boundary Bill, amounted in 1831 to about 2,000; and there are upwards of 300 inhabited houses in it.

State and Prospects of the Town.

22. House-rent is low here. It was stated that the occupants of houses, of the annual value of £10 and upwards, would furnish a respectable class to be admitted as freemen of the corporation.

Of this class there are in the town of Carlow 340, and about 30 in the suburb of Graigue.

There were, in October 1833, 275 registered voters; 265 voted at the last election. According to the Parliamentary Returns of 19th May 1829, and 11th June 1830, the number of electors was at those periods 13.

This town is a considerable mart for agricultural produce, and vast quantities of corn and butter are sold here and transmitted to Waterford, for exportation. It possesses great advantages of water communication; the Barrow is navigable to Athy, where it forms a junction with the grand canal.

The town is not lighted, and the Act of 9 Geo. IV. c. 84, has not been adopted here. All the streets are repaired by county presentment, the two principal at the expense of the county at large, the others by the barony in which the town is situate. There is no public scavenger; the town is supplied with water by public pumps.

The corporation having, in consequence of the departure from the spirit of the charters by the exclusion of inhabitants, dwindled to a few, chiefly non-resident, nominees of the patron, without any functions to perform, or privileges to enjoy, do not continue to exist for any beneficial public purpose.

From the size of the town and its importance as a commercial place, a municipal body, comprising the principal inhabitants, is desired as an instrument of local government.

The existing members of the corporation would not be injured by being deprived of offices, from which they derive but little benefit; and being mostly non-resident, the incorporation of them in any new body would be attended with no advantage to the public.

It would be most difficult for any municipal authorities to govern the town unless the suburb of Graigue, which is in fact a continuation of the town, be comprised within the jurisdiction.

The limits defined by the Boundary Bill, comprehend all that is peculiarly connected with the town, and seem to be those which should regulate the municipal jurisdiction.

The markets are injured by the tolls and customs as at present collected here, and the people complain not only of the amount, but of the application of them to the benefit of individuals.

Documents sent.

23. Copies of the following Documents are sent with this Report, namely:

1. Three Schedules of Tolls and Customs of Carlow.
2. Ditto of Graigue.

HENRY BALDWIN.

Inquiry held 30th September, and 1st, 2d, and 3d October 1833, before John Colhoun and Henry Baldwin.

37

REPORT

ON

THE BOROUGH OF DULEEK.

CONTENTS.

	Page
Limits	173
Charter	173
Act of Parliament	173
Corporation extinct	173
Books	173
Civil and Criminal Jurisdiction	173
Petty Sessions	173
Quarter Sessions	173
Police	173
Prison	173
Property	173
Commons	173
Market and Fairs	173
Tolls and Customs	174
Streets	174
Statistical Details	174
State and Prospects	174

BOROUGH OF DULEEK.

1. THE Limits of the Borough of Duleek extended beyond the town as built upon, and included the commons of Duleek and of Gaskinstown, which comprise together nearly 200 acres. LIMITS.

2. Walter De Lacy, Lord of Meath, "enfeoffed his burgesses of Dyveleke, and their successors, with divers privileges, laws, and customs, according to the laws of Bristol, and with divers grants of divers other things." This Charter is thus recited in an Act of Parliament of 20 Edward IV. purporting to have been passed "at the supplication of the portreeve, burgesses, and commons of the town of Duleek," and which states, that by virtue of the above letters patent, feoffment, and grant, the said portreeve, burgesses, and commons had been peaceably seised of the said privileges, laws, and customs, and also of the courts, hundreds, ways, moors, leassowes, and pastures, with their appurtenances, up to that time; whereupon it was enacted, that the said portreeve, burgesses, and commons should have, occupy, and exercise, as well the premises and every of them, as any other grants made to them, or to the portreeve of the said town, by the then King. There is extant an Inspeximus of this Act of Parliament, bearing date the 26th of March, 11 James II. enrolled in Chancery, (Rot. Pat. 11 Jac. II. p. 2, mg.) which was obtained at the request of the then portreeve, Andrew Ram. CHARTER. Act of 20 Edward IV. Inspeximus of 11 James II.

3. There has not been any corporate body in existence here since 1800; prior to that period, Duleek was a close borough, consisting of a few non-resident burgesses and freemen, selected by the patron. It returned two members to the Irish Parliament, and a sum of £15,000 was paid as compensation for the loss of the elective franchise, at the Union, to the trustees of the will of Henry Bruen, Esq. who had purchased the borough from Mr. Ram, its former patron. CORPORATION extinct.

This corporation was so exclusive, and attracted so little of public attention, that the recollection of it has almost passed from the minds of the inhabitants, and they were unable to give any information respecting the officers, save that for some years before the Union, they had ceased to exercise municipal functions.

4. No Books or Documents relating to the corporation appear to be in existence. Books of Proceedings.

5. There is no evidence that the corporation at any time exercised any Jurisdiction, civil or criminal, or were connected with any court. Jurisdiction.

The only court now held within the district is a court of Petty Sessions, which sits once a week, and in which county magistrates preside. Petty Sessions.

The town is in the Dunshauglin and Trim districts for Quarter Sessions; the former is distant about 11 miles, the latter 15. Quarter Sessions.

6. There are ten of the county constabulary with a chief constable stationed here; they act under county magistrates. Police.

7. There is no Prison. Prison.

8. The commons of Duleek and Gaskinstown belonged to the corporation. They contained nearly 200 acres of land; it was stated that they at one time extended to 300 acres. PROPERTY.

A custom formerly prevailed of walking the boundaries of these commons. Every third year, a man who knew the mearings rode round them with a flag. This ceremony was called, "fringing the commons;" but, notwithstanding such precaution, the boundaries were from time to time encroached upon by neighbouring landlords. Fringing.

Gaskinstown contains upwards of 40 acres of land of inferior quality. It was in a state of Commonage until the year 1832, when it was enclosed by poor persons, who settled and built upon it, after dividing it amongst themselves in lots of from half an acre to four or five acres. It is all enclosed now, and there are 30 families residing on it. Gaskinstown Commons.

"The Commons of Duleek" adjoin the town, and contain upwards of 100 acres. The greater part of these lands is still unenclosed. Within the last few years some cottages have been built upon them. They are of a good quality, and might be converted to some useful purpose; at present they are of little advantage to the inhabitants of the district, as all persons use them indiscriminately. By the magistrates and neighbouring gentry they are considered a nuisance, as affording a place of settlement to persons of bad character. Commons of Duleek.

9. There is a weekly Market held here on Thursday, and there are four Fairs in the year. It was stated that Thursday is the day mentioned in the patent for the market. The inhabitants were unable to refer me to the patent, and the only grant of fairs or markets that I have discovered, is by patent, bearing date the 15th December 1338, enrolled (p. 11 Edward III. p. 1. m. 3.) and granted to Theo de Verdun. This patent authorizes the MARKET and FAIRS.

DULEEK.

holding of a weekly market on Friday, and one fair on the eve, day, and morrow of the Exaltation of the Cross, (14th September,) and five days after. No tolls are granted.

Tolls and Customs. 10. No Tolls or Customs have been collected here at fairs, or markets, within recollection.

Streets. 11. The streets are repaired by county presentment.

Statistical Details. 12. The town and commons of Duleek contained 1,217 inhabitants, according to the census of 1831.

Their occupations were as follows:

Families chiefly employed in agriculture	131
Ditto in trade, manufactures, and handicraft	84
All other families not comprised in the two preceding classes	25
Occupiers employing labourers	9
Ditto not employing labourers	20
Labourers employed in agriculture	129
Ditto employed in retail trade, or in handicraft, as masters or workmen	111
Capitalists, &c.	5
Labourers employed in labour not agricultural	16
Houses inhabited	233
Ditto uninhabited	7
Ditto building	0

Houses.

State and Prospects. 13. The town is very poor, and not likely materially to improve. It is not lighted.

HENRY BALDWIN.

Inquiry held 14th September 1833.

375

REPORT

ON

THE BOROUGH OF FORE.

BOROUGH OF FORE.

CORPORATION extinct.

1. THERE has not been any municipal Corporation in existence here since 1800. Prior to the legislative Union this borough returned two Members to the Irish Parliament. It belonged to the Marquis of Downshire, who received the compensation, £15,000, at the time of the Union, for the loss of the elective franchise.

A few non-residents composed the corporation, which exercised no functions beyond that of returning Members to Parliament.

No corporate magistrate is remembered in the district.

Corporation by Prescription.

2. No information could be obtained there as to whether Fore was a corporation by prescription or by charter, but it seems to have been a Corporation by Prescription only.

It appears, by an entry in the Journals of the Irish House of Commons, vol. i. p. 115, that the then Attorney General informed the House that "Fower" returned Members to Parliament, although he could find no charter on record relating to them. The burgesses were ordered to attend the House, and ultimately two Members were appointed to search the records "for all such corporations" as were objected to, and to report accordingly. I have searched in vain for the report.

MARKET, &c.

3. There is no Market here.

There is one Fair annually held on the 30th of January.

There appears upon record, (Rot. Pat. 14 Jac. I. p. 3. m. 13. d.) a patent to Richard Lord Delvin, bearing date the 12th February 1616, for a fair to be held on the 15th August at Fower, or Fore Abbey, with a grant of the customs of such fair.

Tolls.

4. Tolls and Customs are collected at the fair by the lessee of the Marquis of Westmeath; they produce a very inconsiderable sum. The tolls of Fore were mentioned in the Act of 2 Edw. I. c. 9. (See Report on Athboy.)

5. There is no court held in the town. The inhabitants resort to the petty sessions of Castlepollard, distant four miles.

On the Patent Roll, 16 Edw. IV. p. 1. m. 9. in the Tower of London, there is an entry of a grant of the manor of Fore, and other manors, to Thomas Danyell, Knight. I have not been able to ascertain the date of this grant.

POPULATION.

6. Fore is a very inconsiderable village, consisting of 20 houses, and containing a population of 120 souls.

HENRY BALDWIN.

Inquiry held 2d October 1833.

347

REPORT

ON

THE BOROUGH OF HARRISTOWN.

BOROUGH OF HARRISTOWN.

LIMITS. 1. THE Limits of this Borough were by Charter to "extend into the county of Kildare every way from the middle of the town, 100 acres in the whole." They are at present defined by known boundaries.

CHARTER. 2. The borough was incorporated by a Charter from King Charles II., granted in the thirty-third year of his reign. It is enrolled in Chancery. (Rot. Pat. 34 Charles II. p. 1. m. 44.)

By this charter King Charles granted to Sir Maurice Eustace, that Harristowne, Dunstowne, Carnallway, Miltowne, and other lands, containing together about 4000 acres, should constitute a manor, by the name of the Manor of Harristowne, with power to hold a Court Leet and view of frank pledge, twice in the year, a Court Baron every three weeks, for sums not exceeding 40*s.* English, and a law day, or Court of Record, when and where he pleased, to take cognizance of all personal and mixed actions, not exceeding £10 in amount of claim; all said courts to be held before seneschals to be appointed by Sir Maurice Eustace, his heirs and assigns. This charter also granted all profits of said courts to Sir Maurice Eustace, and power to appoint officers for them, and to have a prison, and to nominate a keeper. It also empowered him to hold a market on every Saturday, and two fairs on 17th and 18th May, and 17th and 18th October, and granted to him the tolls of the fairs and markets, and a power to appoint a clerk of the market. It declared that the town and lands of Harristown within the limits above mentioned, should be, from thenceforth, "a free borough and corporation," prescribed the mode of electing to corporate offices, and constituted the sovereign a justice of the peace.

3. The borough returned two Members to the Irish Parliament, and the right of voting being in the members of the corporation, the body was kept up for the purpose of exercising it. The borough was the property of the Latouche family, and at the Union John Latouche, Esq. received the compensation (£15,000) given for the loss of the elective franchise. The award was, in form, to the sovereign, burgesses, and freemen of Harristown, and John Latouche, Esq. As soon as it was deprived of this privilege, the corporation was suffered to fall into disuse, and none of its offices have been filled since 1800.

Even previously to that date it exercised no municipal functions.

4. Harristown is now a very inconsiderable village.

HENRY BALDWIN.

Inquiry, 17th September 1833, by John Colhoun.

REPORT

ON

THE BOROUGH OF KELLS.

CONTENTS.

	Page
Limits	181
Charters	181
Title	182
Classes	182
Officers	182
Sovereign	182
Deputy Sovereign	182
Provosts	182
Burgesses	182
Recorder	183
Prothonotary and Town Clerk	183
Serjeants at Mace	183
Clerks of the Market	183
Freemen	183
Common Council	183
Select Body	183
Jurisdiction	184
Borough Court	184
Quarter Sessions	184
Petty Sessions	184
Police	184
Prison	184
Public Charities	184
Property	184
Commons	184
Fairs and Markets	185
Tolls and Customs	185
Accounts	185
Juries	186
Bye-laws	186
Patronage	186
Local Acts	186
Statistical Details	186
General Observations	186

BOROUGH OF KELLS.

1. THE Limits of the Borough of Kells extend about one mile in every direction beyond the town as built upon, and include all that is peculiarly connected with it. There are no defined boundaries. LIMITS.

2. The earliest Charter on record relating to this borough was granted by Walter de Lacy, in the reign of King Richard I. By this charter De Lacy "granted to his burgesses of Kenlis, the law of Bristol, to have and enjoy to them and to their heirs, as it was first granted to Bristol, and to be free of toll through all his lands; and that they should answer no plea out of their hundred, except pleas at his own suit; and he granted three acres in the fields to each burgage." CHARTERS. Charter, by Walter De Lacy.

There is extant an inspeximus and exemplification of this charter by King Richard II., bearing date the 4th day of June, in the eleventh year of his reign, (1388,) and purporting to have been made at the request of the then burgesses. 11 Richard II.

The same monarch afterwards, by Charter, bearing date the 3d day of August, in the twelfth year of his reign, and in the year of our Lord 1388, confirmed the charter of De Lacy, and declared that the burgesses should have and enjoy all the privileges thereby granted, although they might not have previously exercised them. 12 Richard II.

King Henry VI., by charter dated at Tryme the 21st March, in the sixteenth year of his reign, inspected and confirmed the charter of Richard II., and granted to the sovereign, provosts, burgesses, and commonalty of Kenlis, and to their heirs and successors for ever, that they might not answer to the Court of the Duke of York, nor to any of his officers within the liberty of Meath; and that they might have their hundreds and councils within the town, as well in the King's presence as in that of the Duke of York; and that they might take the customs of the town as largely as the city of Dublin and town of Drogheda. 16 Henry VI. 21st March.

By charter bearing date the 6th November, 4 Edward IV., the foregoing charters were confirmed. 4 Edward IV. 6th Nov.

Edward IV. subsequently granted to this borough a charter, which bears date the 12th November, in the eighth year of his reign. This charter stated, that by the authority of the Parliament held at Dublin, on the Friday next after the feast of St. Nicholas the Bishop, then last past, he granted to the sovereign, provosts, burgesses, and commons of Kenlis, and their successors for ever, that, in aid of the enclosure and fortification of said town, they might levy the following customs of things for sale; viz., a crannock of corn (unthrashed) "bladi" 1*d.*; a crannock of salt, 2*d.*; a horse, heifer, hobby, or cow, 1*d.*; a goshawk or tercel, ½*d.*; a carcase of an ox or cow, ½*d.*; a hide of an ox, cow, horse, or heifer, ¼*d.*; four sheep or goats, 1*d.*; five dishes, ½*d.*; 12 eels, ½*d.*; 100 pelts of sheep, with or without the wool, 2*d.*; 100 lambs' pelts, called hobetfell, ½*d.*; 100 pelts of cocklings, hares, conies, foxes, cats, or squirrels, ½*d.*; 100 pelts of stags, otters, or deer, ½*d*; a hundred of Irish cloth, 4*d.*; a hundred of linen cloth or web, 2*d.*; an entire English cloth, of any colour, 1*d.*; an entire Irish cloth, ¼*d.*; a hood, ¼*d.*; a barrel of wine, 1*d.*; a stone of tallow, butter, or cheese, ½*d.*; a car load of tan dust, 1*d.*; 100 boards, ½*d.*; a car load of gross building materials, ½*d.*; a car load of wood, ¼*d.*; a stone of flocks and coarse thread, ½*d.*; a hundred of onions, 4*d.*; a horse load of meal, 1*d.*; a hundred of lead, or tin, 4*d.*; a hundred of verdigrise, or of any colour, 2*d.*; 2000 eggs, 1*d.*; 1000 iron nails, 1*d.*; 100 spokes, ½*d.*; a hundred of dried fish, ½*d.*; a hundred of eels, 1*d.*; 10 stone of hemp, ½*d.*; a hundred of chequers, ½*d.*; a hundred of brass, copper, or other kind of batry, 2*d.*; a pair of fowl, ½*d.*; every other kind of merchandise, to the value of 2*s.*, ½*d.* And that the sovereign and provosts might appoint two men of the town to collect these tolls, and might expend the proceeds on the town, at the discretion of the sovereign, provosts, burgesses, and commonalty, for the time being, and not otherwise. The account of the expenditure to be rendered to two men of the town, to be elected annually by the corporation at large, and not at the Exchequer, saving the franchises of the city of Dublin, town of Drogheda, and of other ancient cities; and also the right of the prior of St. John of Jerusalem, and of all others. 8 Edward IV. 12th Nov.

The same monarch, by charter dated the 5th January, in the eleventh year of his reign, inspected the foregoing charter, and stated that in pursuance of an Act of the Parliament, held at Dublin on Friday next after the feast of St. Catherine the Virgin, then last past, he granted to the sovereign, burgesses, and commonalty, and their successors, that they might use the "ouncell," or poundrell, and that they might sell wine, beer, and all kinds of victuals, by retail, and he exonerated the inhabitants from an annual payment for the moiety of a carucate of land, occupied by the King's walls, and not by the inhabitants, but for which the inhabitants had previously paid; and from all subsidies, taxes, and tallies, payable to himself or his deputy, saving the right of Thomas Fitzmorishe Earl of Kildare, and of John Chever, Chief Justice of the King's Bench. 11 Edward IV. 5th Jan.

KELLS.

34 Henry VIII. 8th July. King Henry VIII., by charter bearing date the 8th day of July, in the thirty-fourth year of his reign, and enrolled in the Exchequer, (Rot. Mem. 29 Eliz. m. 80, f.,) inspected the several charters above mentioned.

James II. The last Charter relating to this borough was granted by King James II., and bears date the 27th day of February, in the fourth year of his reign. It is enrolled in Chancery. (Rot. Pat. 4 Jac. II., p. 1, m. 34.)

Provisions of. This charter, after stating that Kells *alias* Kenlesse was an ancient borough, and that the sovereign, provosts, burgesses, and commonalty were accustomed to enjoy certain liberties, privileges, and franchises within the borough, but that their franchises and privileges had, by a judgment of the Court of Exchequer, in Ireland, been seized into the King's hands, declared that the town of Kells, with all its lands and appurtenances, should be a free borough, and should extend to the same metes and bounds as theretofore, and that there should be within the borough a body corporate, consisting of one sovereign, two provosts, 24 burgesses, and a commonalty, and that all the inhabitants within the borough should be a body corporate and politic. It contained a grant of a civil court for all pleas to the extent of 10 marks, and reserved to the chief governor of Ireland a power, by order of Privy Council, to remove at pleasure any of the officers of the corporation.

Although the charter of James II. was founded on a judgment which was subsequently held to be void, the members of the corporation state that it was accepted, and is acted on concurrently with the prior charters, which of course were not legally affected by that judgment.

The books and all documents belonging to the corporation are deposited in a chest kept by the Marquis of Headfort, who is the patron of the borough.

Title. 3. The corporation is entitled, in the charters of Henry VIII. and of James II., "The Sovereign, Provosts, Burgesses, and Commonalty of the Borough of Kells."

Classes. 4. It consists of a sovereign, provosts, burgesses, and freemen, and there is a select body called a common council.

Officers. 5. The Officers are,

One Sovereign,
Two Provosts,
Twenty-four Burgesses,
One Recorder,
One Prothonotary and Town Clerk,
Two Serjeants at Mace, and
Three Clerks of the Market.

None of the charters, except that of James II., prescribe the mode of electing officers; when, therefore, throughout this Report, allusion is made to the charter provisions, in this respect, it will be understood as referring to the charter of James II. Prior to the date of that charter, it is probable that the mode of election was governed by usage.

Sovereign, how elected. By charter, the Sovereign is to be annually elected on the feast of St. Peter the Apostle, (29th June,) by a majority of the sovereign, provosts, and burgesses, out of the body of the burgesses, to serve for one year, from the 29th of September following; and Lord Headfort has been annually elected to the office for the last 17 successive years. He is proposed by one of the burgesses in open court, in the presence of the corporation, including the freemen, and elected by acclamation. He is sworn on every 29th of September.

Residence. His Lordship's Residence is near the town, and was stated to be within the limits.

Deputy. The sovereign does not appear to possess by charter the power of appointing a Deputy, yet he generally does so.

The deputy has always been a resident burgess.

Functions of. The sovereign is a justice of the peace within the borough, and acts as such at petty and quarter sessions, and performs the general magisterial business of the district.

He is clerk of the market, and attends to its regulations.

He presided in the civil court of the borough, as long as that court existed; and presides at all assemblies of the corporation.

When there is a deputy sovereign, the above powers and duties are exercised and performed by him.

Salary of. The sovereign has no Salary or Emolument, but the deputy enjoys a portion of the land of the corporation, called "Commons," as will be presently mentioned.

Provosts, how elected. The charter directs that the Provosts should be elected by the same persons, and on the same day, as the sovereign, out of the body "of the burgesses or commonalty," to serve for one year, from the 29th of September, subsequent to the election. In practice, one of the provosts is elected by the corporation at large, and the other nominated by Lord Headfort, both out of the body of the burgesses, and never from the commonalty, or freemen.

Functions of. Since the civil court of the borough has fallen into disuse, the provosts have had little business to discharge, and the principal duty they now perform is that of billeting soldiers.

Salaries. They have neither Salaries nor Fees.

Burgesses, how elected. Burgesses are elected by a majority of the sovereign, provosts, and burgesses, and hold their offices until death, resignation, or amoval. The only qualification necessary is that of being a freeman; and this is, in effect, avoided, by a practice which is sometimes resorted to, of making a person a burgess and freeman on the same day.

Some of the present burgesses are non-resident.

There is no Roman Catholic a burgess. A gentleman of that persuasion was elected, a short time since, on a supposition that there was a vacancy, but he was not sworn, as it was afterwards discovered that the number was complete without him.

By charter, an election for a burgess should take place within seven days after a vacancy. This direction as to time is not attended to, nor are the provisions of 2 Geo. I. c. 19, s. 9, and 1 Geo. II. c. 9, s. 9, on this subject, observed.

Functions. Privileges.

Burgesses have no Functions to perform, except those which they exercise as a portion of the managing part of the corporation. They have no salaries. Their Privileges consist in an exemption from tolls and customs, and a right to a share of "the Commons."

Recorder.

By charter, a person "skilled in the laws" is to be elected Recorder, for life, by a majority of the sovereign, provosts, and burgesses. The present recorder is a barrister. He was nominated by Lord Headfort, and elected for life by the corporation at large.

Functions of. Salary.

He has no Functions to perform, save that of advising the corporation, when called upon. He receives a Salary of £10 a-year.

Prothonotary and Town Clerk.

The "Prothonotary and Town Clerk" is, by charter, to be elected by the same persons, and in the same way, as the recorder. The present prothonotary was, however, appointed, about 15 years since, by the Marquis of Headfort, without election. His appointment is during good behaviour. Residence is deemed necessary.

By the charter of James, neither recorder nor prothonotary could act, until the approbation of his appointment was obtained from the chief governor, under his hand and seal.

Functions of. Salary.

The Duty of the prothonotary and town clerk is to swear in members, and to keep the accounts of the corporation. He was prothonotary of the civil court of the borough. He has a Salary of £6 a-year, and some fees to a trifling amount. Fomerly fees were paid to him by burgesses and freemen, on their being sworn; but the practice does not prevail at present, and such payments, when made, appear to have been considered as gratuities.

Serjeants at Mace, how appointed.

Although the charter prescribes that the election of the Serjeants at Mace shall be made by a majority of the sovereign and burgesses, yet in practice one only is so elected, and the other is appointed by Lord Headfort, without any election; both appointments are out of the body of the freemen, and are annually made.

Functions of.

The serjeants at mace executed the civil process of the borough court, when it was held. They now assist the sovereign, or his deputy, as constables, in the government of the town.

They have no salary, but are remunerated by a share of "the Commons."

Clerks of the Market.

The sovereign is made by charter Clerk of the Market, as already observed, and no others are mentioned in the charters. The three clerks of the market are appointed by Lord Headfort during pleasure, to assist the sovereign in its regulation.

Freemen, how admitted.

6. Freemen are elected for life by the same persons as the burgesses. There is no limit as to numbers; there are, at present, 33 or 34 freemen, which is the usual number.

Inhabitants.

The provision of the charter of James, as to Inhabitants being of the commonalty, has received the same construction, in Kells, that similar clauses have obtained in other boroughs, namely, as not conferring a right of freedom on all the inhabitants, but limiting the commonalty to such only as have been admitted; and there is in practice no inchoate right to freedom recognised here.

Most of the freemen are resident.

Roman Catholics.

There are two Roman Catholics free; both of whom obtained their freedom since the passing of the Emancipation Act, in 1829. They were proposed by Lord Headfort; and although no other person supported by him had ever before encountered the slightest opposition, these gentlemen, who were personally quite unexceptionable, obtained their admission only by a majority of one. Nothing short of a personal exertion on the part of the patron could procure admission for a Roman Catholic into this corporation.

Duties and Privileges.

Freemen have no Duties to perform; they are exempt from tolls and customs, and entitled to shares of "the Commons." Non-residents are not allowed to enjoy these, or any other Privileges.

Common Council, how appointed.

7. The Common Council consists of the sovereign, portreeves, and a few of the burgesses, who are nominated by Lord Headfort for life.

The witnesses differed as to whether they went through the form of election by the corporation. As the body is at present constituted, the result must be the same, whether that form is observed or not.

The common council, at present, consists of six persons, of whom four are resident. It has no defined duties to perform, save that of inspecting and auditing the accounts of the corporation.

Select Body.

8. The common council constitutes the Select Body. The entire management of the affairs of the corporation is, however, in the hands of its patron, Lord Headfort, who occasionally calls the council to his aid.

His Lordship being continuously sovereign, and having directly the nomination of one of the provosts, and probably of the council, and indirectly of all the other officers, governs the corporation at his pleasure; and, although he has encountered some resistance on one or two occasions, it proceeded principally from the freemen, and his power is still uncontrolled.

KELLS.

The stated days for corporate meetings are the 29th of June and 29th of September, in every year, besides which there are extraordinary assemblages as often as occasion requires. Such, however, are of rare occurrence.

Fees.

There are at present no Fees payable on admissions to freedom or appointment to any office in the corporation. The stamp duty is the only expense attendant on admission as a burgess or freeman.

Jurisdiction.

9. The corporation have not any exclusive Jurisdiction, criminal or civil.

Borough Court, extinct.

The Civil Court of the Borough, limited by the charter of James II. to 10 marks, appears by the corporation books to have fallen into disuse in the year 1819. Up to that period, it was held before the sovereign or his deputy. It sat on Saturday, although the charter day was Tuesday. There was always a jury summoned by the provosts, and composed exclusively of members of the corporation. There were formal pleadings in this court, and the costs on both sides amounted to about £2 5*s*., but the expense was often greatly increased by removal of the cause, by *certiorari*, to the superior courts. The pleadings and proceedings to decree usually occupied about one month.

Quarter Sessions Court.

The want of this court does not appear to be felt by the inhabitants, and the necessity for it is superseded by the civil bill jurisdiction of the assistant barrister at Quarter Sessions, which are held at Kells, before the barrister for the county of Meath twice in every year, and twice a year at Navan, (distant eight miles,) for the division in which Kells is situate.

Petty Sessions.

There are Petty Sessions held in this town every week, at which the sovereign presides, with county magistrates, on cases arising within the corporate jurisdiction.

Police.

10. There are no corporate Police, except the serjeants at mace. The county constabulary do duty within the town. There are one chief constable and 15 constables stationed in it.

Prison.

11. There is no borough Gaol; persons arrested within the district are committed to a county bridewell, which is within the limits.

Charities.

12. The corporation are not connected with any Charitable Institution. There is an hospital, a fever house, and a dispensary, within the town, supported by county presentments with the aid of voluntary subscription.

In 1817, Mr. Sylvester Dempsey bequeathed to the trustees of his will £1,000, for the use of the most indigent poor of the parish of Kells; and, in 1828, Mr. John Marshall Barnes bequeathed the interest of £2,000, at the death of certain persons, (still living,) to the poor of the parish, to be equally divided half-yearly, without religious distinction, by clergymen of the parish. The borough is in the parish.

Property.

13. The corporation are possessed of landed Property, which was stated to have been granted by the charters. The officers were unable to refer to any grant of lands but that of the three acres to each burgage contained in the charter of Walter De Lacy.

Lands.

The corporate Lands lie to the west of the town, and within the limits of the borough; they are called in the county book, "the Commons of Loyd," and according to the Down survey, contain 305A. 0R. 12P., and, by a recent survey, 312 acres. There are also delineated on the map of the Down Survey of the parish of Kells, the "White Commons of Kells," there mentioned to contain 37A. 1R. 12P. profitable; but these I have not traced into the possession of the corporation.

Quantity of.

It was stated that a denomination, called "Shenies," containing upwards of 90 acres, and now in the possession of Lord Headfort, formerly belonged to these commons. Shenies was purchased by an ancestor of Lord Headfort, from a family of the name of Woodward. It was alleged that this denomination was taken by Cromwell from the corporation, and granted to the Woodward family.

How used.

The 312 acres in the possession of the corporation are divided into six fields, and thus used. The fields are broken up in rotation one at a time, and tilled during four years. Before the field is broken the members of the corporation repair to it, with a surveyor, and it is marked out in equal lots, according to the existing number of resident members of the body. Each resident freeman gets one lot, each portreeve and burgess two lots, and the deputy sovereign five lots. A portion of the field (generally five or six acres) is set apart for letting, and the rent obtained for it is applied to pay the tithes and taxes of the entire. The members hold their lots in severalty for four years, and cultivate them as they please; and at the expiration of the fourth year the field is laid down with grass and a new one is broken, when a similar process of partition takes place. The other five fields are in the interim in pasture, and the right of depasturing them is enjoyed by the members of the corporation, in the same proportions as they hold the arable land; that is to say, the deputy sovereign grazes five heads of cattle (called "bolls") for every two grazed by the portreeves and burgesses, and for every one grazed by the freemen; with this addition, however, that the widow of a burgess enjoys a right of grazing to the same extent as a freeman, and the widow of a freeman to half that extent. The widows do not obtain any portions of the field in tillage.

The circumstance of the quantity of land in each lot being regulated by the numbers in the corporation, affords a strong inducement to the members to struggle against an extension of the body.

KELLS.

FAIRS and MARKETS.

14. The following grants of Fairs and Markets to be held at Kells, appear on record:

Date of Grant.	Enrolment.	Grantee.	Days of Holding.
10th September 1607.	P. 5 Jac. I. p. 2. m. 8.	Corporation.	Fairs, 6th October and Ascension Day, and the day after each.
27th February 1688.	Lib. 43. fol. 215.	Corporation.	Market, Saturday. Fairs, Ascension Day and the day after, and the 5th and 6th of October.
4th August 1663.	P. 15 Car. II. p. 2. m. 37.	Sir Hans Hamilton, Bart.	Grant of the customs of the markets and fairs in Kells, formerly held by Thomas Nangle, called Baron of Navan.
10th February 1679.	P. 32 Car. II. p. 2. m. 13. d.	T. Taylor, Esq.	Fairs, Friday before Shrove Monday, and the three following days, and the 15th and 16th of August.
28th March 1776.	Lib. 12. f. 262.	Earl of Bective.	Fair changed from August to the 9th of September.

There are at present six fairs annually held here; two, namely, on Ascension day, and on the 5th of October, (old style,) are held under the charters, and to the tolls of these fairs, the corporation are entitled; and four, under other grants, the tolls of which are received by the Marquis of Headfort. The charges at all the fairs are the same.

There is a weekly market held on Saturday, the charter day. It has increased considerably of late years, so much so as to have rendered it necessary to extend the market place, which was accordingly done in the year 1828.

15. Tolls and Customs are collected at the fairs and markets.

Tolls and Customs.

For seven years prior to 1828, they were generally let by written proposal, and produced on an average £157 a-year to the corporation. In 1828 they were let for £170, but an abatement was made to the tenant, in consequence of resistance on the part of the public to the payment of them. In 1829 and 1830 collectors were appointed by the sovereign, but very little was collected, and even subsequently the receipts have not been considerable, although they have increased. The produce of the tolls has been applied in lighting, watching, and cleansing the town, and providing it with water and with a fire-engine. Since the receipt of the tolls has been interrupted, the lighting and watching of the town has been abandoned, and the fire-engine is not kept, the present receipts being insufficient for these purposes.

Average Receipt.

How applied.

The Schedule under which tolls are now collected has not been long in use. It was substituted for one in which the charges were higher, and was adopted in consequence of complaints made of the former. Neither of them were conformable with the schedule given by the charter of Edward IV. already stated.

Schedule.

The statute of 2 Edward IV., mentioned in the Report on Athboy, equally applied to Kells, which is named in it. That statute, as already observed, was passed to obviate doubts of the legality of collecting customs in the towns of Athboy, Fower, Kells, Naas, Navan, and Trim, for murage, pavage, and pontage, and to enable those towns to continue the collection.

2 Edward IV. Act of Parliament.

In consequence of the mode of treatment of the corporation lands above described, no revenue whatever is derived from them to the body, and its Income is produced entirely from the tolls and customs.

Income.

16. The Accounts of the corporation are kept by the prothonotary, and settled annually after Michaelmas day, in the presence of the sovereign and burgesses; but access to them has been denied to the freemen. They are not audited by two men of the town elected annually by the corporation, as prescribed by the charter of 8 Edward IV.

Accounts, how kept and settled.

On the credit side they consist of the receipt of tolls and customs. The matters which constitute the disbursements have been already mentioned.

KELLS.

		£.	s.	d.
For year ending Michaelmas 1827.	In the account from Michaelmas 1826 to Michaelmas 1827, the Receipts amount to	131	19	6
	Disbursements	137	1	9
	Balance against the Corporation	£5	2	3
Ditto 1828.	From 1827 to 1828, Receipts	176	4	3
	Disbursements	176	4	3
	Balance	£0	0	0
Ditto 1829.	From 1828 to 1829, Receipts	127	10	0
	Expenditure	155	5	1½
	Balance against the Corporation	£27	15	1½

Since 1829 the accounts have been of no importance, the receipts being small; and the disbursements were stopped in consequence of the failure of the fund which was to meet them. There is, on a final account, a considerable balance against the corporation, and there are some debts due by the body.

Market Jury.

17. The sovereign is assisted in the regulation of the market and of the town generally, by a Market Jury composed exclusively of members of the corporation. This body is assembled under a bye-law, and acts for one year, commencing at Michaelmas. Its numbers vary from 12 to 23. This jury inspects the markets, and weights and measures, and seizes unwholesome food exposed for sale. It formerly passed presentments towards the lighting, and cleansing, and general improvement of the town, in aid of the produce of the tolls, and which were assessed on the district, to a trifling amount. The levy of this assessment being resisted, was abandoned.

The market jury also regulates the landed property of the corporation, and if expense is thereby incurred, collects the amount from the members of the corporation.

Bye-laws.

18. It also enacts Bye-laws, but it appears that the corporation at large exercise the power of protesting against and rejecting its enactments. After a bye-law passes the jury, it is read in an assembly of the corporation at large, and if adopted, is entered on the corporation book and sealed with the corporation seal.

Patronage.
Local Acts.

19. There is no Patronage exercised by the corporation, nor are there any Local Acts of Parliament relating to the district, except the 2 Edward IV. already mentioned.

Statistical Details.

20. According to the Return of 1821, the population of the town of Kells was then - - - - - - - - - - - 3,618

By the enumeration of 1831, in that year, it was - - - - - 4,326

Of whom there were, Males - - - - - - - - 2,041

„ Females - - - - - - - 2,285

Their occupations were,

Families employed in agriculture	25
Ditto, chiefly employed in trade, manufacture, and handicraft	389
All others, not comprised in the two preceding classes	421
Occupiers employing labourers	9
Ditto, not employing labourers	3
Labourers employed in agriculture	32
Employed in retail trade or in handicraft, as masters or workmen	506
Capitalists, &c.	72
Labourers employed in labour, not agricultural	354

Houses,

Inhabited	689
Uninhabited	23
Building	22
Families	835

General Observations.

21. Kells, anciently called Kenlesse, is a place of great antiquity.

It was walled and fortified, and appears to have attracted the particular attention of the English settlers from the period of their arrival in this country.

It sent Members to the Irish Parliament, in the second year of Elizabeth, and continued to do so up to the time of the Legislative Union. It was then deprived of that privilege, and the usual compensation for the loss of the elective franchise, under the 40 Geo. III. c. 34, was granted to Thomas Marquis of Headfort, by the style of Earl of Bective, to be paid, to the trustees of his marriage settlement.

Although it has not preserved its relative importance, Kells is still a town of considerable note.

Its principal street is very broad, and, to the width of 21 feet, is repaired by the county presentment, as a public road. The remainder was formerly kept in order out of the receipts of the tolls and customs, and is latterly at the private expense of the Marquis of Headfort. His lordship is the proprietor of the town.

The streets generally are well kept, and the town presents an appearance of cleanliness and comfort beyond what is generally met with in country towns.

No attempt has been made to put in force the provisions of the 9 George IV. c. 82, for lighting and improving the town.

The corporation is complained of as being exclusive and intolerant, and the almost total exclusion of Roman Catholics in a district where they are numerically to all other sects in the proportion of ten to one, has afforded just cause of complaint to the inhabitants. As an instrument of local government, it is, as at present constituted, utterly inefficient, and the public derive no advantage from its existence except such as results from the superintendence of a local magistrate.

HENRY BALDWIN.

Inquiry held at Kells, the 6th and 7th Sept. 1833, before John Colhoun and Henry Baldwin.

389

REPORT

ON

THE BOROUGH OF KILBEGGAN.

CONTENTS.

	Page
Limits	191
Charter	191
Style	191
Classes	191
Officers	191
Portreeve	191
Burgesses	191
Serjeant at Mace	192
Recorder	192
Town Clerk	192
Seneschal	192
Freemen	192
Jurisdiction	192
Borough Court	192
Petty Sessions	192
Quarter Sessions	192
Bye-laws	192
Prison and Police	192
Schools and other Charities	193
Fines	193
Property	193
Tolls and Customs	193
Cranage	193
Markets and Fairs	193
Local Acts	193
Statistical Details	193
State and Prospects	194

BOROUGH OF KILBEGGAN.

1. THE Limits of the Borough of Kilbeggan are marked by well-defined boundaries, maintained to the present day. The borough is bounded on the north by the lands of Coola; on the east, by a boundary ditch, near Booth's houses; on the south, by the corporation drain, up to the New Canal Harbour; and on the west, by another drain, also called the corporation drain, on the road leading to the town of Moate, being a distance of about a quarter of a mile on every side beyond the buildings of the town; and no part of the corporation district is separated from the rest by the intervention of any other lands. These boundaries are not prescribed by charter, but have been established by usage. LIMITS.

2. The borough appears to have been incorporated by King James I., by a Charter, bearing date the 27th day of February, in the tenth year of his reign. This charter, which is enrolled in Chancery, (Rot. Pat. 10 Jac. I. p. 4, m. 36,) prescribes the mode of election of the portreeve, free burgesses, and freemen, establishes a Court of Record for all pleas not exceeding five marks, and constitutes the portreeve clerk of the market. It also conferred upon the portreeve and burgesses the right of returning two Members to Parliament. A sum of £15,000 was paid at the Union, to Gustavus Lambart, Esq., as Compensation for the loss of the elective franchise. CHARTER. James I. Union Compensation.

The Charter of the tenth of James I. is the only one known to the corporation.

3. It gives to the corporation the title of "The Portreeve, Free Burgesses, and Commonalty of the Borough of Kilbeggan." Legal Style.

4. The body consists of one portreeve, twelve burgesses, an unlimited number of freemen. Classes.

5. The other charter-officers are two serjeants at mace; and there are a recorder, a town clerk, and a seneschal, who are not mentioned in the charter. Officers.

The Portreeve, or provost, should, according to the charter, be elected annually, on the 24th of June, by the major part of the portreeve and burgesses, from the body of the burgesses, to serve for one year from the 29th of September following, and thence until a successor should be elected and sworn. In practice, the portreeve is named by Mr. Lambart, of Beaupark, the "patron;" and the form of election is gone through on the 24th of June next after the nomination, and the nominee continues to act, sometimes, without the form of election being repeated, or his being resworn, for several years, and until another is proposed by the patron. Portreeve, how appointed.

The present portreeve is the law-agent of Mr. Lambart, and was nominated by him, and consequently elected by the burgesses, in the year 1819, and he has acted continuously since. During this interval, he has been elected and sworn only four or five times.

Of late years the elections have been generally made by only two burgesses, and always by a number under seven, including the portreeve; the corporation acting on the supposition that there is no restriction as to the number of electors. This is plainly a misapprehension on their part, as the charter directs that the elections shall be made by the portreeve and free burgesses, "or the major part of them," and all modern elections having been made by a number less than the major part, appear to have been illegal.

Being a practising solicitor, the present portreeve resides in Dublin during the greater part of the year. He has a residence near Kilbeggan, but not within the limits of the borough. He has not appointed a deputy. It appears by the corporation books, that there have been deputies, although such appointment is not authorized by charter. Non-resident.

The portreeve is a justice of the peace within the district. Functions of.

He is also clerk of the market. His duties, as such, are to regulate the weights and measures, and prevent unwholesome food being exposed for sale.

These duties cannot be efficiently fulfilled by the present portreeve, by reason of his non-residency.

He presides occasionally in the Borough Court.

The portreeve has not, and never had, a fixed Salary. He claims to be entitled to the crane and public pound. He has let them for the last four years for £50 per annum. Salary.

The Burgesses, by charter, were to be elected by the portreeve and burgesses, "from the better and more worthy of the inhabitants of the borough." In practice, inhabitancy having been dispensed with by the 21 Geo. II. c. 10, s. 8, is not required. Burgesses are elected for life, by the portreeve and burgesses, from the freemen, at the nomination of Mr. Lambart. Burgesses, how elected.

There is no Qualification required, save that of being a freeman; and it frequently occurs, that, to qualify a person to become a burgess, he is first elected a freeman, and immediately after, a burgess. Qualification.

The persons elected are always in the interest of Mr. Lambart.

KILBEGGAN.

When elected. Burgesses are only elected on the two stated days of meeting, namely, the 24th of June and 29th of September; so that, if a vacancy occurred on the 30th of September, it would not be filled for nearly nine months, although the charter requires that it should be supplied within seven days. The provisions of the 2 Geo. I. c. 19, s. 9, and 1 Geo. II. c. 9, s. 9, are not attended to.

Two, resident. Of the twelve burgesses, only two reside within the limits. Seven were stated to live near the town.

Two of the burgesses are Roman Catholics. There is no other Dissenter a burgess.

Functions. Burgesses perform no duty, save that of electing the nominees of the patron to corporate offices.

Serjeant at Mace, how appointed. For several years, there has been but one Serjeant at Mace. He is appointed by the portreeve, during good behaviour.

By charter, the serjeants at mace, and other inferior officers, were to be elected by the corporation at large.

Functions of. The serjeant at mace executes the process of the Borough Court.

Fees of. He has no salary, but receives Fees arising on his duties in the Borough Court, namely, 1*s.* on an attachment, 1*s.* for executing a decree, and 6*d.* for serving a summons.

Recorder, &c. how appointed. The Recorder, Town Clerk, and Seneschal are nominated by Mr. Lambart, during good behaviour. They have neither duties nor emoluments, and their offices are merely honorary.

Freemen, how admitted. 6. The charter declares, that "the inhabitants of the borough, and so many and such other persons as the portreeve and burgesses shall admit, shall be free of the corporation." In practice, this provision is not now held to confer any right to freedom by virtue of residence; and none are free but those actually admitted by the portreeve and burgesses.

Fee Stamps. There is no Fee payable on admission, and none of the admissions have been on Stamps; there is, therefore, no expense whatsoever incurred on the admission of a freeman or burgess. The election is for life.

There are, at present, about 35 freemen; of these, 12 are Roman Catholics, and one a Protestant Dissenter. All the Roman Catholic freemen, except one, were admitted before 1829.

Resident. Of the freemen, 21 are resident within the limits of the borough.

Privileges of. Freemen have no Duties to perform. Burgesses and freemen are free of cranage and pound fees, and enjoy the Privilege of being brought before the Borough Court by summons instead of by attachment.

Jurisdiction. 7. The corporation have not any exclusive Jurisdiction.

Borough Court. There is a civil Court of Record held here under the charter, which limits its jurisdiction to five marks. It is called "the Borough Court of Kilbeggan."

The Proceeding is by summons, when a member of the corporation is the defendant; and by attachment, in the case of any other person.

The attachment issues on a statement of debt, without oath, notwithstanding the 36 Geo. III. c. 39, and is against the goods, and never against the person.

When goods are seized, the defendant either gives as bail some person resident within the limits, or the goods are impounded.

Jury. In practice, the attachment generally procures payment of the debt. When it does not, the trial is held before the portreeve and a Jury composed of the inhabitants generally; formerly the juries consisted exclusively of freemen.

Cases, Number of. About 200 Cases have been instituted, and 100 tried in this court within the last five years. There has been but one *certiorari* since 1819, and no writ of error; the decree is against the goods only, and is rarely executed upon the defendant's property.

Fees. The Fees are, for the attachment, 3*s.* to the portreeve; and 1*s.* to the serjeant at mace, for executing it. There is no other expense before the trial. At the trial each party pays 1*s.* to the portreeve, and 3*s.* 4*d.* is paid to him for the judgment, and 1*s.* to the town clerk on executions. The portreeve frequently remits his fees, if the defendant will pay the amount of the judgment within a certain time.

Sittings. By charter, this court was to be held on Saturday in every week, but in practice it has no stated day for sitting. It was held but once in 1833, up to the latter end of September, and twice in 1832. It generally sits once a year, and its Sittings never exceed a day at a time.

Petty Sessions. There is no other court here, except the Court of Petty Sessions, which is holden every Saturday, and at which county magistrates preside, sometimes with the portreeve, but much oftener without him.

Quarter Sessions. For Quarter Sessions, Kilbeggan is in the district of Moate, where sessions are held four times a-year.

Bye-laws. 8. The corporation formerly exercised the power of making Bye-laws in Court Leet, through the intervention of a jury of 23; the jury having presented the law, it was entered on the books, and received as binding, without the sanction of the body at large. No bye-laws have been recently made, as no jury has been empannelled of late years.

Prison and Police. 9. There is no corporate Prison, nor, except the serjeant at mace, any corporate Police.

The county constabulary act here under the direction of the portreeve, as a magistrate; there are one chief constable and seven constables stationed in the town.

10. There is no charitable foundation under the superintendence of the corporation; there are within the district, a Charity School, supported by private subscription, for the education of Protestant boys; a charitable loan fund; and a dispensary. Schools and Charities.

11. The corporation have not, since 1819, imposed any Fines on their own members. The portreeve, as a justice of the peace, has inflicted some, and the amount has been distributed in charity. Fines.

12. The corporation have no income at present. Several old witnesses were examined, whose recollection extended back to upwards of 60 years, and within that period there has not been any landed Property in the possession of the corporation. They stated there was, as there still is, a general impression, that extensive commons formerly belonged to the body. PROPERTY.

The reputation is, that the commons passed several years ago into the possession of Sir Lambert Crombie and Mr. Lambart, but no evidence was produced to justify the supposition.

13. It may be stated that the Tolls and Customs have not been received here. Two or three attempts were made, prior to 1819, to collect them, but not being successful, they were not persisted in. Tolls and Customs.

14. There is a Craner appointed by the portreeve; for the last four years he has paid that officer a rent of £50 per annum for the crane and pound. Complaints, apparently well founded, were made of the incorrectness of the Weights and Measures. The weights were very old, and had not been regulated for several years. I have reason to believe that since the Inquiry at Kilbeggan, new weights have been supplied, and are now in use. Cranage. Weights.

The craner's Charges are, for a bag containing from one to 10 stone, 1*d.*; from 10 to 12 stone, 1½*d.*; from 14 to 24 stone, 2*d.*; and for any weight beyond 24 stone, 2½*d.* These charges much exceed the legal rates established by the 4 Anne, c. 14, and 25 Geo. II. c. 15. Charges.

15. The grants of fairs and markets for this town appear as follows:

Date of Grant.	Enrolment.	Grantee.	Fairs and Markets.
1st July 1606.	P. 4 Jac. I. p. 1. m. 7.	Sir Oliver Lambart, Knight.	Market, Saturday. Fair 29th September, and two days after.
16th February 1620.	P. 19. Jac. I. p. 2. m. 21.	Charles Lord Lambart.	Regrant of the market. Grant of two additional fairs, on 6th of June and 18th October.

The Market is held on every Saturday; and there are four Fairs in the year, namely, on the 25th of March, 16th of June, 18th of August, and 28th of October. MARKETS and FAIRS.

The market house or tholsel was built at the private expense of Mr. Lambart, for the use of the corporation.

16. There is no Local Act of Parliament, relating to the corporation or borough. Local Acts.

17. The following Table shows the numbers and occupations of the population of the town in the year 1831: STATISTICAL DETAILS.

Population	1,985
Males	901
Males upwards of 20 years of age	464
Females	1,084
Religious persuasions:	
Roman Catholics	1,900
Protestants	54
Dissenters	31
Occupations:	
Occupiers employing labourers	3
„ not employing labourers	13
Labourers employed in agriculture	96
„ in manufacture	17
„ in retail trade, or in handicraft, as masters or workmen	150
Capitalists	32
Labourers employed in labour not agricultural	113
Other Males, 20 years old (except servants)	29
Houses:	
Inhabited	305
Uninhabited	4
Building	1
Slated Houses	146
Thatched	204
Families	431

KILBEGGAN.
State and Prospects.

18. The principal street is kept in repair by the trustees of the turnpike road, the others by county presentments; they are neither lighted nor watched, and no attempt has been made to introduce the provisions of the 9 Geo. IV., c. 82, for those purposes.

The town is improving; and a branch of the grand canal, recently cut to it, holds out prospects of further commercial advantages.

The corporation is wholly destitute of funds, and, as at present constituted, utterly useless for any public purpose.

HENRY BALDWIN.

Inquiry held 5th September 1833, before John Colhoun and Henry Baldwin.

395

REPORT

ON

THE BOROUGH OF KILDARE.

CONTENTS.

	Page
Limits	197
Charters	197
Title	197
Officers	197
Sovereign	197
Portreeves	198
Burgesses	198
Recorder	198
Prothonotary or Town Clerk	198
Serjeants at Mace	198
Freemen	198
Jurisdiction	199
Borough Court	199
Petty Sessions	199
Quarter Sessions	199
Police	199
Prison	199
Charities	199
Property	199
Commons	199
Tolls and Customs	199
Fairs and Markets	199
Market Jury	200
Bye-laws and Local Acts of Parliament	200
Statistical Details	200
State and Prospects	200

BOROUGH OF KILDARE.

1. THE Limits of the Borough of Kildare extend considerably beyond the town, and are stated to include about 3,000 acres of land, known by the name of "the Curragh," and 700 acres of common, lying to the south of the town, called, "the King's Bog or Commons of Kildare." LIMITS.

These appear to be inconvenient limits for municipal jurisdiction, inasmuch as their extent beyond the town, in different directions, is very unequal, and as portions of the district are separated from the rest by the intervention of other lands.

It appears by ancient records that William De Vescy, in the twenty-fifth year of Edward I., and in the year of our Lord 1297, surrendered to King Edward "his castle, manor, and county of Kildare, with their appurtenances and liberties;" and that by letters patent, bearing date the 18th of February, in the same year, Edward empowered his chief justice and other persons to take possession of the same, and keep them for his use until further order. 25 Edward I.

King Edward II., by letters patent bearing date the 2d day of August, in the thirteenth year of his reign, and in the year of our Lord 1319, granted to John Fitz-Thomas, and to the heirs male of his body lawfully begotten, the castle and town of Kildare, with the liberties to the town and castle appertaining, at the service of five knights' fees for ever. 13 Edward II. 1319.

The above documents relate to the town of Kildare, without any allusion to a corporation; and I have not been able to discover in Chancery, or Exchequer, in Ireland, any record of an enrolment of a charter, except one, of the 4 James II., of which mention will be presently made. There was no charter, or copy of a charter, in the possession of any person who attended the Inquiry at Kildare. It was stated by gentlemen, who had been for many years members of the corporation, that Charles II. had granted a charter to this borough; but, although diligent search has been made, no enrolment or trace of any such charter has been found.

An original charter of Kildare has been found in the record office of the Court of Chancery. It is truly described in the book of reference in that office, as "a fragment of an old charter of the town of Kildare." It is so torn and obliterated as to be almost illegible. It is a charter of one of the Henrys; (probably the Eighth;) it is dated "7th October," and contains a schedule of tolls for murage and other public purposes.

I find in the second volume of the "Journals of the House of Commons," of Ireland, p. 539, a report upon a petition of the "burgesses of the corporation of Kildare," under date the 7th of October 1707, in which a witness is reported to have stated before the committee that the charter was lost.

2. A Charter was granted by King James II., dated the 31st of March, in the fourth year of his reign. It is enrolled in Chancery. (Rot. Pat. 4 Jac. II. p. 2, No. 121.) After reciting that Kildare had been an ancient borough, but that its franchises, liberties, and privileges had been seized into the King's hands by a judgment of the Court of Exchequer, this charter declared that Kildare should be a free borough, extending to the same metes and bounds as at any former period, and that its corporation should consist of one sovereign, two provosts, twenty burgesses, and a commonalty; and that all the inhabitants within the borough should be one body politic. It prescribed the mode of electing the officers, contained a grant of a court limited to five marks, granted a free market on every Monday, and confirmed to the corporation all the lands, messuages, curtilages, customs, petty duties, tolls, markets and fairs, franchises and liberties, which they had at any time enjoyed. It reserved to the chief governor of Ireland for the time being, the power of removing all or any of the officers of the corporation, and conferred upon the sovereign, portreeve, and burgesses the right of returning two Members to Parliament. This charter, like the others of James II., was founded on a void judgment, the Exchequer having no jurisdiction to entertain proceedings in *quo warranto*. CHARTERS. Charter of 4 Jac II. 31st March.

3. The Title given to the corporation by this charter, is that of "The Sovereign, Portreeves, Burgesses, and Freemen of the Borough of Kildare." Title.

4. The Officers of the corporation were, Officers.

One Sovereign,
Two Portreeves,
Twenty Burgesses,
One Recorder,
One Prothonotary or Town Clerk,
Two Serjeants at Mace, or Town Bailiffs; and there were also Freemen.

The Sovereign was elected by a majority of the sovereign, portreeves, and burgesses, out of the body of the burgesses. By the charter of James, he was to be elected for one year, and until a successor to him should be elected. Sovereign, how elected.

The day prescribed by the charter of James, for the election of the sovereign, was the 24th of June; but in practice it took place on the 1st of September, to serve for one year, from the 29th of the same month. Three burgesses were proposed, and one of them selected.

KILDARE.

The petition of the burgesses of the corporation of Kildare, already mentioned, and which appears to have been presented to the House of Commons on the 26th September 1707, complained "of several undue practices of George Medlicott, Esq. and his sons, in procuring themselves to be elected sovereigns of the borough of Kildare for several years successively, and in making great numbers of freemen, on condition that they should vote for magistrates, and burgesses of Parliament, as the said Mr. Medlicott and his sons should direct." The petition was referred to a committee, with power to send for persons, papers, and records. On the 7th October 1707, the committee reported the evidence taken by them, in which it is stated, that "the charter was lost," and that the corporation elected "by usage and custom." With respect to the office of sovereign, the usage was stated to be, that three of the burgesses were put in nomination, and "that it was usual for the sovereign to name the three candidates, and to name himself for one, and that the day of election was St. Matthew's day." The mode of election above described was adhered to as long as a sovereign was elected, namely, up to 1829; a circumstance which, connected with the practice of the corporation in other respects materially differing from the provisions of the charter of James, leads me to believe that that charter has not been acted upon since the Revolution, and that the elections, &c. have been governed by "usage and custom."

There has not been a sovereign, or other corporate officer, elected or appointed since the year 1829. Up to that period the same person was constantly re-elected. He frequently acted by deputy.

Functions of.

The sovereign, or his deputy, was a justice of the peace within the borough, and acted as such at petty sessions, and in transacting general magisterial business.

He also presided in the Borough Court; he was clerk of the market, and interfered in its regulations.

Emolument.

He had no Salary, but when tolls and customs were collected, received the amount for his own use.

Portreeves, how appointed.

The Portreeves, instead of being elected annually by the sovereign, portreeves, burgesses, and commonalty, as prescribed by the charter of James II., were, for several years prior to 1829, nominated by the sovereign from the body of the freemen, to act for one year, from the 29th of September, or until their successors should be elected. The same persons were constantly continued in office.

Duty.

The Duty of the portreeves was to assist the sovereign in the government of the town.

Burgesses, how elected.

Burgesses were elected for life by the corporation at large; residence was not necessary, since the passing of the 21 Geo. II. c. 10. Burgesses were generally, although it was stated, not necessarily, chosen from the freemen.

Number.

There are living nine persons, who were elected burgesses. For many years, the Number of "twenty" has not been kept up, although the charter of James directs that a vacancy in that number shall be supplied within ten days after it occurs. Some of the present burgesses are non-resident.

No Fee.

There was no Fee payable on the admission of a burgess or freeman, nor have any of either class been admitted on a stamp.

Privileges of.

Burgesses had no duty to perform, except that of electing officers. They were free of toll, which, with a right of grazing on the commons, constituted their Privileges.

Recorder.

A Recorder was given by charter, but none has been appointed for several years.

Prothonotary, &c.

The Prothonotary or Town Clerk, and Serjeants at Mace, were appointed by the sovereign or his deputy, for one year; but they were generally continued in office.

Of latter years there was but one serjeant at mace.

Duties and Salaries of.

The Duties of the town clerk were to attend and record the proceedings of the corporate assemblies, and to keep the records and issue the process of the Corporation Court.

The duties of the serjeants at mace were to execute the process of that court. The town clerk had no Salary, and was paid by fees on proceedings in the court. The serjeant at mace has been for several years remunerated by the possession of a house and garden, in the town, belonging to the corporation, free of rent.

Freemen, how elected.

5. Freemen were elected for life by the same persons and in the same manner as burgesses; there was no qualification, and all admissions were by grace especial. There are at present four persons who were admitted to their freedom, all of whom are resident.

One of the subjects of complaint in the petition of the burgesses in 1707, was "that foreigners were made free;" and the report states that "Mr. James Medlicott made thirty persons from Athy free in one day, and about forty from Portarlington and Monaster-Even." It would seem from the tenour of this petition that the sovereign, at that time, exercised the right of admitting freemen.

Functions and Privileges of.

Freemen performed the same Functions and enjoyed the same Privileges as burgesses; and which have been already stated.

Roman Catholics.

There was only one Roman Catholic a member of this corporation; he was a freeman, and was admitted in 1799. In 1829, a Roman Catholic resident gentleman, of the highest respectability, applied to the then sovereign for his freedom, and was refused, on the ground that the sovereign had promised the Duke of Leinster (who is the patron of the corporation) not to admit any person until the duke had made a new general arrangement for the body: the refusal appears to have been in consequence of this promise, and not from any sectarian feeling. This corporation is virtually extinct, even supposing that it is preserved from being legally dissolved, in consequence of the non-election of a sovereign and provosts, by the provision in the

charter of James, if in force, (which, however, I apprehend it is not,) that those officers should continue in office for a year, and until their successors were appointed.

Jurisdiction. Borough Court.

6. The corporation of course exercise no Jurisdiction of any sort at present. Up to 1830 the sovereign presided in the Borough Court; but in modern times he did not entertain suits for any higher claim than 40*s*. The course of proceeding was, that on the oath of the plaintiff the sovereign issued his warrant against the goods of the defendant, which were seized until he gave bail to the action: this process usually procured a settlement of the debt. The costs of an action which came to trial amounted to about 2*s*. 6*d*. The court was in existence as long as there was a sovereign to preside in it. It was stated that its jurisdiction extended over "the Curragh," and "the King's Bog," as well as through the town. There was no jury. The loss of this tribunal is complained of by the inhabitants.

Petty Sessions.

There are Petty Sessions held here every Thursday. County magistrates preside, and complain of having the magisterial business of the borough thrown upon them, and they have sometimes refused to perform it.

Quarter Sessions.

Quarter Sessions take place twice a year.

Police.

7. There is no corporate Police. Seven of the county constabulary act within the district, and when there was a sovereign they obeyed him as a magistrate. They now act under county justices.

Prison.

8. There is no borough Prison. Town prisoners are committed to the county gaol, and are there supported as other prisoners.

Charities.

9. There are no Public Schools or other Charitable foundations, under the superintendence of the corporation, or within its limits.

Property. Commons.

10. The corporation are not now in receipt of any income. It was stated that the members of the corporation enjoy, in common with the occupiers of the surrounding lands, the right of grazing on "the Curragh," and they and the inhabitants of the borough claim and formerly enjoyed the exclusive right of grazing "the King's Commons;" but since there ceased to be a sovereign to protect the latter, they are grazed by all persons. Formerly, strangers, who put cattle upon "the Curragh," were summoned before the sovereign, and punished as trespassers.

In 1826, and subsequently, the county grand jury presented as nuisances, at different times, cabins built upon "the King's Commons," and for which rents were paid to the corporation. The corporation traversed the presentments for the purpose of asserting their title to the lands; but the first process was dismissed on a technical objection, and the others, although entered, were not prosecuted, for want of funds.

The corporation, prior to 1830, derived a rent of £15 a-year out of about 25 acres of "the King's Bog," which were enclosed and let to a man named Patrick Kelly; but since 1829, Kelly, who is still in possession, has not paid rent, as there is no sovereign to receive it.

The remainder of the 700 acres are still unenclosed and rendered utterly valueless to the inhabitants of Kildare, by the numbers who trespass upon them.

Tolls and Customs.

11. Tolls and Customs were formerly collected here, both in money and in kind. A very general complaint having been made against the quantity of toll taken in kind, the corporation agreed to abandon it, but in lieu thereof proposed to give to the toll collector £13 a year, which was raised by assessment on the town and corporation lands, together with three guineas a-year for the expense of collection.

In 1826 the inhabitants resisted this impost, and it was abandoned; money tolls were collected up to 1828, at fairs and markets. For seven years prior to 1828 they were let by the sovereign to the town clerk for £50 a year, and the collector cleared about £20 annually. He collected under a schedule; the collection has totally ceased since the month of July 1828.

Fairs and Markets.

12. There are three charter Fairs, namely, on the 2d of February, Easter Tuesday, and the 8th of September, and two new fairs, on the 29th of June and the 29th of October. The last two were always toll free under a bye-law of the corporation.

The following grants of fairs and markets to be held here appear on record:

Date of Grant.	Enrolment.	Grantee.	Fairs and Markets.
	36 Hen. VI. c. 10.	Earl of Kildare.	Market, Thursday. Fair, Feast of St. Bridget, and ( ) days after.
7th October 1515.	MSS. Evid. Leinster Family, p. 129, d. enrolled in England 7 Hen. VIII. (and in Ireland, 8 Hen. VIII. now lost.)	Corporation.	Market, on Thursday, in such place within the town as Gerald Earl of Kildare should appoint.
27th January 1763.	P. 3. Geo. III. p. 1. m. 22. d.	Corporation.	Market, Saturday. Fairs, 1st July and 1st November.

KILDARE.

Market Jury.

There is a weekly market on Thursday. The market was formerly regulated by a Market Jury, selected by the sovereign from the inhabitants at large; the full number of this jury was 23, and the smallest 13. They regulated the weights and measures and the assize of bread, and took up unwholesome meat. The last market jury was in 1828.

Bye-laws and Local Acts.

13. There is no Bye-law deserving of mention, except that already stated, nor are there any Local Acts of Parliament relating to this borough.

Statistical Details.

14. The Population of the town amounted in 1821, according to the enumeration of that date, to 1,516. In 1831 the numbers and occupations were as follows:

Population	1,753
Males	852
Males upwards of 20 years of age	468
Females	901
Occupations:	
Families chiefly employed in agriculture	138
Ditto in trade, manufacture, and handicraft	119
Ditto not employed in the preceding classes	93
Agriculture:	
Occupiers employing labourers	9
„ not employing labourers	36
Labourers employed in agriculture	148
„ in manufacture	18
„ in retail trade or in handicraft, as masters or workmen	169
Capitalists	26
Labourers employed in labour, not agricultural	23
Other males 20 years old (except servants)	33
Houses:	
Inhabited	327
Uninhabited	17
Building	2
Families	350

There are about 40 five-pound householders in the town.

State and Prospects.

15. The principal streets are portions of the county roads, and are repaired by county presentments; and the bye-ways out of private subscriptions. The streets are not lighted or watered. There is no water within a mile of the town, except what is supplied by one public pump. This pump was erected for the corporation, who agreed to give £100 for it, or 13 guineas a year until that sum was paid. The corporation having no funds to discharge the £100, the 13 guineas have been since paid by private subscription. There is no fund to keep this pump in repair, and its being out of order would be attended with the most serious consequences to the inhabitants.

There are no manufactories here, for which the scarcity of water may in some measure account. The town is rather in an improving state; but the absence of a local magistrate, subjects the inhabitants to impositions in the weights and measures, as well as in the quality of articles exposed for sale.

The borough was deprived of the right of returning Members to Parliament by the Act of Union; and the sum of £15,000 was paid under the 40 Geo. III. c. 34, to the trustee of the marriage settlement of William Duke of Leinster, as compensation for the representative franchise, to be applied to the trusts of that settlement.

HENRY BALDWIN.

Inquiry held 17th September 1833, before John Colhoun and Henry Baldwin.

REPORT

ON

THE BOROUGH OF MARYBOROUGH.

CONTENTS.

	Page
Limits	203
Charters	203
Title	203
Classes	203
Officers	203
Burgomaster	203
Bailiffs	203
Burgesses	204
Serjeant at Mace	204
Town Clerk	204
Billet Master	204
Weighmaster	204
Poundkeeper	204
Freemen	204
Common Council	205
Bye-laws	205
Jurisdiction	205
Borough Court	205
Quarter Sessions	206
Petty Sessions	206
Assizes	206
Police	206
Prisons	206
Public Charities	206
Property	206
Lands	206
Leases	206
Fairs and Markets	207
Tolls and Customs	208
Schedules	208
Accounts	209
Local Acts	209
Statistical Details	209
General Observations	210
Documents sent	210

BOROUGH OF MARYBOROUGH.

1. BY the Act of 3, 4 Philip and Mary, c. 2, for the disposition of Leixe and Offaily, the territory of Leixe was erected into the Queen's County, and the name of Maryborough given to its capital.

2. The Limits of the Borough of Maryborough are prescribed by charter to extend "to a distance of 8,000 feet, on every side of the walls of a castle or fort," which formerly stood about the centre of the town; and such, in practice, has been the extent of the jurisdiction, although no defined boundaries exist to mark it. LIMITS.

3. This borough was incorporated by Queen Elizabeth, by Charter, bearing date the 4th April, in the twelfth year of her reign. (A. D. 1570.) It is enrolled in the Exchequer. (Rot. Mem. 29 Eliz. m. 31.) CHARTERS. Charter of Elizabeth.

This charter prescribes the mode of election of officers; contains a grant of a court, of a market, and of tolls and customs; constitutes the burgomaster a justice of the peace; and the burgomaster and bailiffs, escheators, clerks of the market, and coroners, within the district, reserving a jurisdiction over their acts to the Court of King's Bench. It confers upon the corporation all such liberties and free customs as belonged to the town of Naas.

A charter was subsequently granted, dated 19th March, 4 James II., and which is enrolled in Chancery. (Rot. Pat. 4 Jac. II. p. 1, m. 46, d.) This charter was grounded on a supposed forfeiture of the franchises by a judgment of the Court of Exchequer, in Ireland; but such proceeding being void, and the charter of James not having been acted upon, at least within the memory of any living person, the corporation has been governed solely by the Charter of Elizabeth. James II. Governing Charter.

4. In this charter it is entitled, "The Burgomaster, Bailiffs, Burgesses, and Commonalty of Maryborough." Title.

5. The corporation consisted of a burgomaster, bailiffs, burgesses, and freemen. Classes.

6. The Officers are, Officers.

One Burgomaster,
Two Bailiffs,
Burgesses,
One Serjeant at Mace,
One Town Clerk,
One Billet Master,
One Craner, or Weighmaster,
One Poundkeeper.

The last three are not mentioned in the charter.

The Burgomaster and two Bailiffs were, by charter, to be elected annually by the burgesses and commonalty from amongst themselves, on Michaelmas day, to serve for one year; there is no provision that they should continue to act until successors were appointed. In practice they were so elected as long as the corporation was sufficiently numerous to constitute an assemblage for the purpose. In 1829, the body had so dwindled away, that three persons were not found to fill those offices, and no election took place. Burgomaster and Bailiffs, how elected.

The inhabitants insist that no election having been made within the time appointed by charter for the purpose, and the chief offices remaining for a year unfilled by the corporation, the body thereby ceased legally to exist; and that although four or five burgesses and freemen were alive, they had no right afterwards to exercise any municipal functions.

The members of the corporation proceeded upon a different impression, acting, as they allege, under the provisions of the statute of the 19 Geo. II. c. 12. On the 29th of September 1830, three of them, namely, one burgess and two freemen met; and the freemen elected the burgess (Major Cassan) to be burgomaster, and he, in return, named the two freemen to be bailiffs, and they administered the oaths of office to each other. This ceremony has since been annually repeated between the same parties.

Major Cassan has filled the office of burgomaster since 1813, except for the year 1829; during which no burgomaster was appointed by the members of the corporation, and during the same period there have been but three persons appointed bailiffs.

The charter directs that "the burgomaster and bailiffs shall, on the day of their election, take the oaths of office before the constable of the castle or fort of Maryborough; and, in his absence, before the burgesses and commonalty of the town."

The constable (Lord Maryborough) is non-resident, and the burgomaster relied on the third section of the Act of the 13, 14 Geo. III. c. 42, as justifying the course which had been taken with respect to the administering of the oaths in September 1830.

The residence of the present burgomaster is about a mile and a half from the town, and is not within the limits.

MARYBOROUGH.

The inhabitants, in 1829, finding the district left by the corporation without a chief magistrate, proceeded to choose one for themselves, and Arthur Moore Moss, Esq. having been selected by them, acted as burgomaster through that year, and for part of the next, in the regulation of the town, and particularly of the markets; and conferred benefit upon the public by making extensive seizures of fraudulent weights and measures.

He erected new scales in the market-place, at which potatoes were weighed gratis, and 1*d.* a-sack was charged for corn, which went to defray the expense of the crane, and of the attendance upon it. Mr. Moss continued to act for some time after the appointment of Major Cassan, in 1830, but did not do so subsequently to the month of November in that year, although no effort was made by Major Cassan to stop him. In the year 1829, Mr. Moss caused a notice to be served on Major Cassan of an application to be made to the Court of King's Bench on his behalf, for an order on Major Cassan to give up the books and documents of the corporation; but after affidavits were filed on both sides he withdrew his notice, and paid the amount of the costs incurred by Major Cassan in preparing to resist him.

Mr. Moss is not a magistrate of the county, yet was he permitted to perform the magisterial duties of the borough, during the period above mentioned; and in no instance was the authority which he assumed, resisted.

On the other hand, although the public allege that the corporation has been extinct since 1829, the powers exercised by Major Cassan, as burgomaster, have been submitted to, nor have any legal proceedings been resorted to for a determination of the question as to the legality of his appointment. The inhabitants elected two persons to be bailiffs at the same time they elected Mr. Moss.

Functions.

The burgomaster is, by charter, a justice of the peace within the district. He is also, with the bailiffs, escheator, clerk of the market, and coroner, and should preside with them in the Borough Court. The present burgomaster performs little or no duty; from his advanced age he would be unable, even if he were resident within the town, to pay sufficient attention to its regulation.

The burgomaster has no salary.

The charter duties of the bailiffs have been already specified, but of late years they have not performed any.

They have no salary nor emolument.

Burgesses, how elected.

The charter neither limits the number of Burgesses, nor regulates the mode of their admission. In practice, admissions were made in the following manner:

The burgomaster and bailiffs, in Court Leet, sent the name of the candidate to a grand jury, composed exclusively of members of the corporation; if rejected by the jury, he could not be elected; but if allowed by them, the question of his admission was proposed by the burgomaster to the corporation at large; and, if passed, his name was entered in the corporation book, and he was admitted for life. This course had not been prescribed by any bye-law that I could discover; and it was probably adopted in analogy to the mode of admission of a freeman, regulated by a bye-law, to which I shall presently advert, but that bye-law does not, in its terms, extend to burgesses.

The question as to the manner of admission of burgesses, has not recently arisen, as no burgess has been elected since 1783. There are three burgesses living, none of whom are resident within the limits.

Functions of.

By charter, the burgesses had no Functions to perform, except those which they exercised as a portion of the corporation, in the election of officers, and other constitutional details.

As none of the existing burgesses, with the exception of Major Cassan, interfere in the affairs of the borough, and as he acts as burgomaster rather than as a burgess, this portion of the corporation has been long unrepresented at the corporate assemblies, and is virtually extinct.

Serjeant at Mace, how elected.

The charter empowers the burgomaster to appoint the Serjeant at Mace, which has accordingly been done. He is generally, but not necessarily, a freeman.

The present serjeant was appointed in 1832.

Functions of.

Since the civil court of the Borough has ceased to exist, he has had no duties to perform, save those of attending on the burgomaster, and at the annual meeting of the corporation.

He has no salary. He formerly received some fees arising out of his duties in the civil court.

Town Clerk, &c.

The person who is serjeant at mace also fills the offices of Town Clerk, Billet Master, and Weighmaster; to which situations he is annually appointed by the burgomaster.

Functions.

As town clerk, he attends at and records the proceedings of the annual meeting. He has no emolument as town clerk or billet master. As craner and weighmaster, it was stated

Charges at Crane.

that he charges a halfpenny a sack for weighing potatoes, (by the 25 Geo. II. c. 15, s. 12, directed to be weighed gratis,) and 1*d.* a sack for weighing corn; for other matters he has no fixed charges, and accepts whatever he can induce parties to pay. Formerly the charges were much higher, as they are in the schedule of tolls, &c., which will be stated hereafter. Some complaints are urged of the manner in which soldiers are billeted. The evidence, although it may justify the suspicion of partiality, fell short of establishing the charge.

Poundkeeper.

The Keeper of the public Pound is also appointed by the burgomaster, for one year.

Freemen.

7. Although the charter appears to have provided for the admission of all the inhabitants, yet at no time did inhabitancy, of itself, confer the freedom of this corporation.

Bye-law regulating Admissions.

The freemen were, however, formerly very numerous. The mode of Admission was regulated by a Bye-law, which bears date the 29th of September 1738. By this law it was directed that no person should be admitted free, unless he preferred a petition for the purpose to the

burgomaster in Court Leet, which petition should, if the burgomaster should think fit, and not otherwise, be referred to a grand jury, sworn at such Court Leet, and if such grand jury should find the petitioner fit to be admitted, that the petition and finding should be read in open court, and the question of admission proposed by the burgomaster; and if agreed to by a majority of the burgesses and commonalty present, and not otherwise, that the petitioner should be sworn and admitted.

The same bye-law gave to the burgomaster of each year, the power of admitting two freemen, and to the bailiffs the power of admitting one.

This bye-law, which appears to be signed by the burgomaster and bailiffs, and 60 burgesses and freemen, was acted on from its date to the year 1783, during which period the admissions were very numerous. This circumstance, however, is not to be imputed to the liberality of the corporation; it is ascribable to the conflicting interests of "the copatrons." The borough returned two Members to the Irish Parliament, from the 29th of Elizabeth to the year 1800; and the right of voting was exclusively exercised by the corporation, including the freemen. During, at least, the latter part of this period, the Parnell and Coote families were joint patrons of the borough, and each exerted itself to procure a majority in the corporation, by admission of as many as possible of their respective adherents, until, in the year 1783, the numbers amounted to about 300. In that year the Parnell and Coote families entered into an arrangement that they should each return one Member, and that there should be no more admissions; and accordingly no freeman was admitted or burgess elected in this corporation subsequently to 1783, until 1830. In the latter year the idea was entertained of reviving it, and a burgess and two freemen having met and nominated each other burgomaster and bailiffs, as above detailed, they resorted to the bye-law of 1738, for the means of extending their numbers, and accordingly, on the 18th of October 1830, three persons were admitted to their freedom; two nominated to it by the burgomaster, and one by the bailiffs, under the bye-law, and three have been annually admitted since, in the same manner.

Admissions, 18th October 1830.

Some of the persons thus admitted are non-resident, and none are Roman Catholics, and it does not appear that there has been any Roman Catholic free of this corporation. A gentleman of that persuasion endeavoured to obtain his freedom in 1804, but was unsuccessful in the attempt.

There is a Bye-law on the books of the corporation, dated the 23d of July 1741, (and which is still unrepealed by any other bye-law,) against the Admission of Roman Catholics.

Bye-law against Admission of Roman Catholics.

Major Cassan, who represents the corporation, stated that the body could do no more at present to extend itself, than to admit three freemen annually, under the bye-law, until they amounted to 12, the smallest number which could constitute a jury for the admission of burgesses and freemen in Court Leet, and which jury, as already observed, must be composed exclusively of members of the corporation.

Intention as to Admissions.

Major Cassan stated that there were but the above-mentioned two freemen living at the time the three others were nominated in 1830.

Freemen pay no Fees on admission. It was stated that they pay their own stamp duty, which is the only expense attendant on admission.

No Fees.

They perform no Duties, and enjoy no Privileges, at present. By charter they were entitled to vote at elections of officers, as well as burgesses; and it was thereby declared "unlawful for any person inhabiting within the borough to use any traffic, or any other faculty or occupation, unless he was admitted and allowed a freeman by the burgomaster, bailiffs, burgesses, and commonalty; and foreign or extern merchants were prohibited from selling by retail within the town and the franchises thereof, without the licence of the burgomaster, bailiffs, burgesses, and commonalty, any wares, or merchandise, which were conveyed, or brought from parts beyond the seas." These restrictions to trade are perfectly obsolete, and it did not appear that they had ever been enforced.

Duties and Privileges.

Formerly burgesses and freemen were exempt from payment of tolls and customs, and enjoyed the privilege of grazing cattle on the commons belonging to the corporation. Both classes also voted for Members of Parliament, prior to the Union. The usual sum of £15,000 was given for the loss of the elective franchise at the Union, and it was paid to the joint patrons, Sir John Parnell and the Right Honourable Charles Henry Coote, in equal shares.

8. There is no recollection of the existence of a Common Council in this corporation, but in the oath taken by a freeman he swears to "keep all such rules, and bye-laws, as are, or shall be made by the common council of the town." This passage of the freeman's oath may be supposed to imply, that Bye-laws were, at one time, made by a select body; but it appears that the bye-law of 1738 was made by the corporation at large. The principal bye-laws that I discovered were those of the 29th of September 1738, and of the 23d of July 1741, above mentioned.

Common Council.

Bye-laws.

There is a Book of Bye-laws in the possession of Major Cassan, entitled, "Bye-laws and Acts of Assembly of Maryborough," dated 1731.

Book of.

9. The corporation have not, for many years, exercised any Jurisdiction, civil or criminal, save what is performed by the burgomaster in his magisterial capacity.

Jurisdiction.

A Borough Court was formerly held under the charter, and entertained claims to any amount; but having fallen into disuse about 40 years ago, and none of its records being now forthcoming, it is difficult to obtain information respecting it.

Borough Court disused.

The burgomaster and bailiffs presided together in it, about four times in the year. The Process was by attachment, which issued against the body or goods of the defendant, at the option of the plaintiff, and was obtained on an affidavit of the debt. The fee paid to the

Process of.

MARYBOROUGH.

town clerk on each attachment process, was 2*s.* 8*d.*, and a like sum to the serjeant at mace for the execution of it. The witnesses differed as to whether there was or was not a jury in this court.

Quarter Sessions.

The local civil business of the borough is now transacted at Quarter Sessions, which are held here twice a year, namely, in April and October; and twice a year at Stradbally, distant 4½ miles, for the division of the county in which the borough is situate.

Assizes.

This is also the assize town for the Queen's County, and Assizes are accordingly held twice a-year, at the usual periods.

Petty Sessions.

There are Petty Sessions weekly, at which county justices preside.

Police.

10. There is no corporate Police. The town is the head quarter and depôt for the constabulary of the Queen's County; of whom from 15 to 30 are usually quartered in it. The burgomaster has no control over them. They have occasionally aided the officers of health and county magistrates, in the regulation of weights and measures and in seizing unwholesome meat exposed for sale in the market. There is a chief constable, who is a justice of the peace for the county, stationed in the town.

Prisons.

11. There is no Prison belonging to the corporation. The county gaol is within the limits.

The burgomaster commits prisoners to it. The present burgomaster is, however, a county justice; but a former burgomaster, who was not a magistrate of the county, also exercised that right. The county prison is capable of containing a very large number of prisoners.

Public Charities.

12. The corporation have no control whatever over any Public Schools, or other Charitable Foundations.

There are within the limits several schools, where gratuitous education is afforded, namely: a boys' school, supported by the Society for discountenancing Vice, aided by voluntary contribution; a girls' school, supported by the Irish Ladies' Society and Hibernian Society, and also by voluntary subscriptions; a boys' school, supported by a small grant of about £15 per annum from the Education Board, and certain perquisites given by the Roman Catholic clergyman; and a girls' school, supported by nuns; besides several Sunday schools.

The charitable foundations within the limits are: the Queen's County Infirmary, to which a dispensary is attached, and which is supported by grand jury presentment, assisted by voluntary subscriptions, and by fines, imposed at the assizes and sessions, and £89 1*s.* 9*d.*, an annual Treasury grant; and the district Lunatic Asylum for the Queen's and King's Counties, the counties of Westmeath and Longford, supported by grand jury grants from these four counties, and small sums paid for some of the inmates by their friends.

Property. Lands.

13. This corporation were possessed of very considerable Landed Property, but how they derived title to it was not disclosed. The charter does not contain a grant of any lands; and in the absence of documentary evidence it is difficult, if not impossible, to state what may have been the extent of this property. There was strong traditional evidence, that the corporation, upwards of a century ago, made a lease to an ancestor of the present Lord de Vesci, of from 80 to 100 acres of their lands, at a nominal rent; and that the lease expired in 1805; and it was stated that the present Lord de Vesci has since overheld these lands. The premises, said to be contained in this lease, are bounded on the north and east by the old commons of Maryborough; on the west, by Clonroorke, Lord Portarlington's estate; on the south-west by Knockmoy, Lord de Vesci's estate; and on the south, by the lands of Clonminum, described as being the estate of Pierce Moore, Esq. The registry has been searched in vain for a memorial of such conveyance.

Lease to an Ancestor of Lord de Vesci.

There was also traditional evidence that Sir John Tidd got possession of "the Green Mill" from the corporation; and that "the Four Acre Field," adjoining it, and in possession of Lord Portarlington, also belonged to the body.

The land now claimed by the representatives of Lord Castlecoote, from "Holbrook's" to "the Mill," was also alleged to have been corporate property; and it was stated that the grandfather of Arthur Moore Mosse, Esq. got a part of "the Corporation Green," which Mr. Moore now holds.

It was further asserted that a small piece of land on the left of the Limerick road had been granted by the corporation to one Richard Senior, and is now in the possession of his wife's representatives and their tenants. It adjoins the new row of houses, at the new market-house, and is bounded on the other side by the Cunnebawn road. It was said that the site of the old market-house was corporation ground. It is now occupied by two dwelling houses, one in the possession of Mr. Diamond, and the other of Mr. Whelan, as tenants to Mr. Robert Graves, who built the houses. This Mr. Robert Graves purchased the plot at a sheriffs' sale, under an execution against one Thomas Graves, the son of Robert Graves the elder, who laid claim to the ground in 1796, by a title derived from the corporation. The title of the corporation to the foregoing lands depends solely on hearsay evidence; and, it is to be observed, that there is no mention made of any of them in the corporation books. As far as I could discover, no rent has ever been received or paid for any of them; but from their localities, and the reputation of the town, it is not improbable that they did, at a very remote period, form a part of the corporate estates.

There are on the registry memorials of several leases of houses and plots in and about the town, made by the corporation for long terms of years, at merely nominal rents. There is, particularly, one of a lease of the 29th October 1716, from the burgomaster and bailiffs, "with the assent of the burgesses and commons," to Bartholomew Senior, of a plot of ground adjoining the commons, and known by the name of the "Old Ground," for 999 years, at a

yearly rent of 3*s*; and another of a lease, dated the 16th May 1740, from the same parties to Bartholomew Senior the younger, of a dwelling house and piece of ground adjoining the sessions house, and of premises, then known by the name of "the Ship;" and another piece of waste ground adjoining, on the north side of the sessions house, for the term of 999 years from 1st May 1740, at 5*s*. a year.

The Old Green, or Commons of Maryborough.

Up to 1803, there was a large tract of land belonging to the corporation called "the Old Green or Commons of Maryborough," which comprised 180 acres, and was used as a common by the resident burgesses and freemen. In the year 1801 it was agreed that this land should be divided into two equal parts, and that a lease of one moiety should be made to Sir John Parnell and Lord Castlecoote, and of the other moiety to Major Cassan and Robert Graves; and accordingly, by a lease bearing date in the 17th of January 1803, the corporation demised 90 acres of the green or commons lying on the right hand of the road leading to Mountmellick, to Sir Henry Parnell (his father Sir John having died in the interim) and Lord Castlecoote, to hold for a term of 999 years, at a rent of £27 6*s*.; and by another lease, of the same date, the corporation demised to Major Cassan and Robert Graves the part of the green or commons lying on the left side of the same road, containing 90 acres, or thereabouts, for the same term, at a like rent of £27 6*s*. per annum. The lease made to Major Cassan and Robert Graves was produced; that to Sir Henry Parnell and Lord Castlecoote was not forthcoming, but it was stated (and the fact is most probably so) that it contains similar covenants to those in the lease to Messrs. Cassan and Graves. By the *reddendum* the rent is reserved payable to the corporation during the term; but there is a subsequent covenant, that it shall be applied in paying to the then existing widows of burgesses and freemen, who had been resident, certain annuities, namely, an annuity of 5 guineas a-year to the widow of a burgess, and of 2½ guineas to the widow of a freeman, these annuities making together the full amount of the rent, and that, as the widows die and the annuities payable to them cease, the payment of the reserved rent shall diminish; and when all the widows die, the rent shall wholly cease.

Leases to Lord Castlecoote and Sir John Parnell, and to Robert Graves and Major Cassan.

It would seem that this arrangement was resorted to, to purchase the acquiescence of the widows of the burgesses and freemen, who then claimed a right of common and pasturage upon the lands about to be disposed of in the proportions to which their husbands had been entitled, namely, the burgess to two heads of cattle for every one grazed by a freeman.

The claims of the burgesses and freemen came next to be considered; and it was agreed that Major Cassan and Robert Graves should assign for their entire term, and at a ratable rent, a proportion of the lands comprised in the lease of the 17th of January 1803 to each resident burgess and freeman; and accordingly, the lands demised by the last-mentioned lease were divided into 13 lots, there being then resident 13 burgesses and freemen, including the lessees, Major Cassan and Robert Graves; and a lease of a lot was executed to each of them at a ratable proportion of the rent, of £27 6*s*., and subject to gradual diminution and ultimate extinction, on the deaths of the widows; and these burgesses and freemen, or their representatives, now hold their respective portions, discharged of almost all rent, for the residue of the term 999 years, the widows being all dead except one. There is now a sum of only 5 guineas a-year payable under both leases.

There has been a partition between Sir Henry Parnell and Lord Castlecoote.

It would seem that £2 10*s*. per acre could have been had for the entire of the said lands at the time the leases were executed.

Sir Henry Parnell and Lord Castlecoote gave a sum of 130 guineas each as a consideration for their lease, which with other sums, amounting together to about £430, were expended in building a new market-house in the town.

Major Cassan and Mr. Graves, in the lifetime of the latter, and Major Cassan alone, since he became the survivor, received the rents from Sir Henry Parnell, Lord Castlecoote, and the other tenants, and paid over their annuities to the widows, for which Major Cassan produced vouchers.

It was stated that Sir Henry Parnell was not a member of the corporation at the time the plan of dividing and enclosing the commons was entered into, and that some years after the grant, his attention having been called to the consideration of the propriety of the proceeding, he determined to expend, for the benefit of the town, a sum equivalent to the value of the land he had received, and gave his agent directions to have a valuation made, and appointed two respectable inhabitants as valuators;—that the valuation was actually commenced, but one of the gentlemen appointed to value died before it was concluded;—that he has since directed his agent to proceed with the business, and that, although from circumstances it has been neglected, he has never abandoned his intention of making remuneration, and has lately taken steps for carrying it fully into execution. Considerable sums of money, it is alleged, have been expended, in building upon, fencing, draining, and improving the land.

The leases of the 17th January 1803 are both registered.

Site for Church.

In addition to the foregoing grants, the corporation, on the 27th of October 1796, presented an acre of ground, rent free for ever, as a site for a church.

Fairs and Markets.

14. There are eight Fairs held in the year within the town and borough; three of them are stated to be held without any grant or patent, viz. on the 1st of January, 25th of March, and 23d of October; the remaining five are held by grant or patent to the corporation: of these, two, held on the 12th of May and 4th of September, have become vested, by deed from the corporation and several mesne assignments, in Mrs. Catherine O'Neill; the remaining three are held on the 5th of July, 4th of December, and 24th of February. There is a weekly market held on every Thursday.

MARYBOROUGH.

15. The following grants of fairs and markets appear on record:

Date of grant.	Enrolment.	Grantee.	Dates of Holding.
4th April 1570.	P. 34 Eliz. m. 11.	Corporation.	Market, Thursday, and to take the customs of the town in as large and ample a manner as the customs of Naas were granted to its corporation.
5th March 1635.	P. 11 Car. I. p. 2. m. 21.	Corporation.	Fairs 1st May and 24th August.
2d November 1767.	P. 8 Geo. III. p. 1. m. 8.	Corporation.	Fairs 24th February and 4th December.

I find registered a memorial of a conveyance dated the 14th May 1735, from Tristram Fortick to Thomas Grace, of two fairs to be held yearly in the town of Maryborough, namely, on the 1st of May and 24th of August, being the fairs granted to the corporation by the patent of Charles I. There are also on the registry memorials of several assignments of this conveyance. The fairs, however, would seem to have revested in the corporation, as I find the body dealing with the profits of them in 1749. There is in the registry a memorial of a deed of the 3d August in that year, between the burgomaster, bailiffs, burgesses, and commonalty of Maryborough, of the one part, and Henry Knight of the other part, whereby the corporation demised unto Henry Knight all the customs, tolls, duties, issues, and profits, arising yearly to the burgomaster, bailiffs, burgesses, commons, &c. of, in, and to, two fairs, held in said borough on the 1st of May and 24th of August, commonly called St. Bartholomew's Fair, for the term of 900 years, subject to a yearly rent of £6. These fairs nearly correspond in date with those now held on the 12th of May and 4th of September, allowing for the difference of old and new style, and although I have not been able to trace the mesne assignments, I have little doubt that Mrs. O'Neill now claims the tolls of the latter fairs as assignee of the rights conveyed by the deed of the 3d August 1749.

Tolls and Customs.

16. At all the fairs and markets, Tolls and Customs, stallage and cranage, were formerly collected; but in consequence of the resistance given to the payment, all except cranage have ceased since 1827.

During the time that tolls were collected there were toll-boards exposed to public view containing a schedule of the charges.

Schedules.

Tolls and Customs were granted by the charter of Elizabeth to this corporation, for the use and repair of the borough, at a rent of 10*s.* a-year; and the following Schedule is given by the charter; that is to say:

	s.	*d.*
For every horse sold within the town and franchises thereof -	0	2
For every cow so sold there - - - - - -	0	2
For every goat so sold there - - - - - -	0	1
For every hog so sold there - - - - - -	0	0½
For every load of plank so sold - - - - - -	0	0½
For every sack of grain so sold - - - - - -	0	0½
For every sheep so sold there - - - - - -	0	0¼
For every of taberlay so sold - - - -	0	0½
For every hide or skin worth the value of a cowhide - -	0	0½
For every cart body or plough so sold - - - -	0	1
For every pair of wheels so sold - - - - - -	0	0½
For every kind of merchandise to the value of 2*s.* - - -	0	0½
For every kind of merchandise to the value of 5*s.* - - -	0	1

And it also declared that the said burgomaster and bailiffs and their successors might take and receive all other customs and profits for all things sold within the said town and franchises thereof, as the bailiffs of the town of Dundalk might receive and levy within the town and franchises of Dundalk.

The schedule dated the 7th of August 1818, and according to which customs were latterly collected, is materially different from that given by the charter, nor was it made out from any reference to the schedule used at Dundalk.

It did not appear how or by whom that schedule, which materially increased the charges, had been prepared.

The following is a transcript of the schedule which was lodged in the office of the clerk of the peace by the toll collector, Benjamin Mears, pursuant to the statute, on the 7th of August 1818, and according to which tolls were subsequently collected. It is headed "Memorandum of the Customs paid on Market Days, as follows:"

	d.
Oatmeal per cwt. - - - -	2
All kinds of grain from 14 to 20 stone -	2

	d.
For every 20 stone and upwards	4
For every 12 stone of potatoes for weighing	1
For every 20 ditto for ditto	1½
For every 24 ditto and upwards	2
For every kish of potatoes	2
For every car with one cow slaughtered	3
For every car with apples	2
A covered standing on market days	2
A sheep, calf, or pig	1
A standing with bacon	2
A standing with butter in tub or crock	2
A standing with hardware	2
A car with cabbage or turnips	1
A kish with brogues on market days	1
Earthen ware	2
Hawkers	1
Calico	1
Cheese	2
Onions	1
Cask of herrings	2
Kish of turkeys or geese	4
For each cow-hide or skin	0½

On Fair days:

Each horse sold	6½
Each cow ditto	3
Each pig or sheep ditto	1
For standings	4
For covered ditto	6½
For the standing of each kish of pigs	4

Let at Rents.

The entire tolls, customs, stallage, and cranage of the fairs and markets, except Mrs. O'Neill's two fairs, were let by the burgomasters, by private contract, at the following Rents:

	£.	s.	d.	
1810, to Kimmins at	22	15	0	per annum.
1811, to same	22	15	0	
1812, to Mears	22	15	0	
1813, to Kimmins	25	0	0	
1814, to Mears	26	0	0	
1815, to Kimmins	26	0	0	
1816 to 1826 inclusive, to Mears, at	20	0	0	
1827, to Mears, at	10	0	0	

Accounts.

17. These sums the burgomaster (Major Cassan) received, and out of them made several disbursements; the total of the receipts (they being all, except £30, in Irish currency) amounted to £140 8*s.* 7*d.*; of the disbursements, to £95 4*s.* 3*d.*, leaving a balance in his hands of £45 4*s.* 4*d.*: a copy of the account is annexed to this Report, and Major Cassan states that it contains a true account of the expenditure and receipts. No member of the corporation nor any other person had access to it, and Major Cassan has no account save that which he produced.

The tolls received by the tenants of the corporation were very considerable, and amounted annually to a clear profit of £100 after paying the rent and expenses of collection. Cranage is still collected partially, the people giving whatever they choose.

Patronage and Local Acts.

18. The corporation has no Patronage, nor are there any Local Acts of Parliament relating to the district, except the Act of 3, 4 Philip and Mary, c. 2, already mentioned.

Statistical Details.

19. According to the Return of 1821, the population of the town of Maryborough was then 2,677.

In 1831, by the enumeration of that year, it was			3,223
Of whom there were, Males			1,496
,, Females			1,729
Their occupations were,			
Families employed in agriculture			158
Ditto chiefly employed in trade, manufactures, and handicraft			289
All others, not included in the two preceding classes			194
Occupiers employing labourers			4
Ditto not employing labourers			11
Labourers employed in agriculture			140
Employed in retail trade or in handicraft, as masters or workmen			426
Capitalists, &c.			57
Labourers employed in labour not agricultural			32
Houses inhabited	484		
Houses uninhabited	10		
Ditto building	14		
Families	641		

MARYBOROUGH.
GENERAL OBSERVATIONS.

20. The population within the limits of the borough was stated to amount to 5,000, the number of houses to be about 800; the number of £10 householders, about 200; and of £20 householders, nearly 130.

The market has improved. Formerly very little wheat was brought to it; at present considerable quantities are sold here. Several public buildings have lately been erected, including the county gaol and the district lunatic asylum, and much public money has been expended in the borough within the last 10 years.

The internal regulations of the town are deplorably bad. False weights and measures are in general use, by which all classes, and particularly the poor, suffer severely. This is a subject of well-founded and very general complaint. The town is not lighted, and the Act of 9 Geo. IV. c. 82, has not been put in operation here.

Documents sent.

21. Copies of the following Documents are sent with this Report:

1. Charter of Queen Elizabeth.
2. Account furnished by Major Cassan.
3. Bye-law of 17th of September 1738.
4. Presentment of One Acre of Land for the Build of a Church.
5. Notice and Petition for Admission as a Freeman.

HENRY BALDWIN.

Inquiry held on 19th and 20th September 1833, before John Colhoun and Henry Baldwin.

REPORT

ON

THE BOROUGH OF NAAS.

CONTENTS.

	Page
Limits	213
Corporation by Prescription	213
Charters	213
Title	214
Classes	214
Officers	214
Sovereign	214
Provosts and Burgesses	214
Freemen	214
Fees	215
Inferior Officers	215
Serjeant at Mace	215
Town Serjeant	215
Billet Master	215
Weighmasters	215
Select Body	215
Constitution	215
Bye-laws	216
Jurisdiction	216
Borough Court	216
Assizes	216
Quarter Sessions	216
Petty Sessions	216
Police	216
Prison	216
Poor	216
Property	216
Accounts	220
Tolls and Customs	221
Markets and Cranage	221
Market Jury	221
Fairs	221
Statistical Details	222
State and Prospects	222

BOROUGH OF NAAS.

1. THE Charter of Queen Elizabeth to the Borough of Naas ordains, "that all the lands, tenements, rents, and services, and all and singular other hereditaments which then (A. D. 1570) were known, accepted, or reputed, as part and member of the town of Naas, or within the precincts thereof, should, from thenceforth for ever, be within the franchises, liberties, and jurisdictions of the town and borough." It, however, neither specifies the lands, nor states the distance to which they extend. LIMITS by Charter.

In an Act of the Lord Deputy and Privy Council, bearing date the 16th of April 1609, a petition of the sovereign, portreeves, and burgesses to the Privy Council in England, is recited as praying, amongst other matters, "that the villages of Orsberston and Gingerstown might be contained within the liberties of the town." The council, after granting part of the request, but omitting to notice particularly that portion of it which sought for an extension of the limits, conclude by stating, that, "as touching the residue of the requests, they did not think them fit to be granted." Act of Privy Council, 16th April 1609.

The subsequent charter is silent on the subject of limits.

The limits appear to be quite unknown at the present day even to the officers of the corporation. One gentleman of the body stated that they extend three miles to the north, and as far to the south, while others believe that they are not nearly so extensive. They certainly comprise a district beyond the town, in every direction.

Naas was anciently the residence of the Kings of Leinster, and is a borough of great antiquity. It is difficult to say when it was first incorporated. It may be inferred that a Corporation existed here by Prescription. CORPORATION by Prescription.

2. A Charter enrolled in Chancery, (Rot. Pat. 2 Hen. V. a. 103,) and dated 24th May, 2 Henry V., granted "to the portreeve, burgesses, and commonalty of the town of Naas," tolls upon all things coming into the town for sale, for 20 years, for the purpose of walling and fortifying the town. This charter establishes, beyond controversy, the fact of the existence of the corporation so long ago as the year 1414. CHARTERS. Charter of 2d Henry V.

The borough obtained a Charter from Queen Elizabeth, which bears date the 18th day of July, in the eleventh year of her reign. Charter of 11th Elizabeth, 18th July.

It is remarkable that this charter does not allude to a corporation as previously existing, but proceeds, as if originally, to create one. It grants, "that the town of Naas shall be a free and undoubted borough; and that the inhabitants of the said town and their successors be incorporated by the name there given to them.

The Act of the Lord Deputy and Council, of the 16th of April 1609, already alluded to,—after stating the petition of the corporation, and that the Privy Council in England, as commissioners for Irish causes, by letters bearing date the 9th of April 1608, had signified his Majesty's pleasure that the charter of Elizabeth should be renewed under the great seal of Ireland, with such immunities and liberties as the lord deputy and council of Ireland should think fit, and had referred the other matters of the petition to them,—declared it should be granted by his Majesty, in renewing the charter, that the sovereign for the time being should be a justice of the peace, and of the quorum, and say-master for sealing of leather; that there should be two fairs annually; and that the corporation might be at liberty to surrender up to his Majesty all such chauntrie lands as they then held; and that, thereupon, the said lands should be regranted to them and their successors, rendering to the King and his heirs and successors the yearly rent of £4 Irish, besides the rent of £9 per annum to be paid towards the reparation of the church of St. David's. Act of Privy Council, 16th April 1609.

The Act of Council was speedily followed by a Charter of James I. This charter bears date the 2d of May, in the seventh year of his reign, and contains an inspeximus and ratification of the charter of Elizabeth. It is enrolled in Chancery. (Rot. Pat. 7 Jac. I. p. 1, m. 7.) Charter of 7th James I. 2d May.

The Charters of Elizabeth and James govern the corporation. GoverningCharters.

These charters regulate the mode of electing the sovereign, provosts, and a serjeant at mace; contain a grant of a court for all personal causes, without limit in amount of claim, to be held before the sovereign and provosts; of a power of making bye-laws; of a weekly market on Monday; of two fairs in the year; and of tolls and customs, according to a given schedule; and all other customs and profits, for all matters sold within the town and its franchises as the bailiffs of Dundalk might receive in that town, at a rent of £10 per annum. Provisions of.

They give to the sovereign and provosts the return and execution of all writs and mandates in anywise concerning the borough; constitute the sovereign a justice of the peace within it, and master of the say for sealing of leather; and the sovereign and provosts, escheators, and clerks of the market, and coroners; and the charter of James regrants their landed property to the corporation for ever.

NAAS.

Title. 3. The corporation is entitled by these charters, "The Sovereign, Provosts, Burgesses, and Commonalty of Naas."

Classes. 4. It consists of,

One Sovereign,
Two Provosts, and
Burgesses and
Freemen;

without limit as to the number of either class.

Inferior Officers. 5. The inferior Officers are,

One Serjeant at Mace,
One Town Serjeant,
One Billet Master, and
Three Weighmasters.

None of the last-mentioned offices, except that of serjeant at mace, are mentioned in the charters.

Sovereign and Provosts, how elected. The charters give to the burgesses and commonalty the power, "on the Feast of St. Michael the Archangel, of electing from themselves one to be Sovereign, and two to be Provosts, to serve for one entire year."

In form, these officers are elected in the manner prescribed by charter, although they are, in fact, the nominees of the Earl of Mayo, who is "the patron" of the borough; and, in latter years, there has been no instance of any person being elected sovereign who was not a member of his lordship's family. The circumstance of this office being continually filled by members of one family prior to 1697, was in that year made the subject of a petition to the House of Commons, which will be stated hereafter.

Often re-elected. The same persons are frequently re-elected for several successive years. One of the present provosts has been re-elected every year since 1824. There is no qualification necessary for either office, except that of being a burgess or freeman.

Non-resident. The sovereign and provosts are generally all non-resident; but one of the provosts (John Connor, Esq.) has, for some years, resided sufficiently near the town, although outside the limits, to be able to perform some of the duties of his office. He occasionally interferes in the regulations of the town and markets; and, being a county magistrate, sits at petty sessions; and these acts of Mr. Connor constitute all the municipal duties at present performed by the sovereign and provosts. The functions prescribed for them by charter, are above enumerated. According to the charters, they are to be elected "to govern the borough, and hold the court belonging to the same."

Functions.

By the non-residence of the sovereign, the inhabitants of this district are deprived of the only advantage which commonly results to the public from the existence of a close corporation in a small town, namely, the superintendence of a local magistrate.

No Salaries. Neither sovereign nor provosts receive any Salary or Emolument.

Burgesses and Freemen, how elected. 6. The modes of electing Burgesses and Freemen are not prescribed by charter, nor is the number of either class limited.

In practice, burgesses and freemen are elected in the same manner, and by the same persons, as the sovereign and provosts, to hold until death, resignation, or amoval. There is no qualification required for being admitted to either body. Burgesses are generally, but not necessarily, selected from the freemen. Indeed, the charters do not draw any distinction, unless it be in name, between the burgesses and commonalty.

Inhabitants excluded. Although the charters seem to direct that all the Inhabitants of the town and their successors should be of the corporation, they have been long excluded from it; and the few persons, who now compose the body, are chiefly members of Lord Mayo's family.

Numbers. There are, at present, (September 1833,) only eight burgesses and seven freemen; and there is no burgess, and there are but two freemen resident within the borough. Six of the eight burgesses, and three of the freemen, were stated to be related to Lord Mayo, and of the four freemen who are not of his family, two are his tenants, and one his land agent.

Residents.

Relationship to Patron.

The following is a List of the Burgesses and Freemen, as furnished by the members of the corporation:

List of Burgesses.

Burgesses:
Earl of Mayo,
Lord Dunally,
Honourable and Reverend George Bourke,
Dean of Ossory,
Honourable Robert Bourke,
William Browne,
Samuel Hall,
Robert Davis.

Of Freemen.

Freemen:
Honourable Sackville Bourke,
Honourable John W. Bourke,
Robert Uniacke,
William Richardson,
John Connor,
John Rutherford,
A. H. Payne.

NAAS.

I apprehend this list is inaccurate in omitting Sibthorpe G. Bourke, a name which I find subscribed to a resolution in 1830, as a freeman.

There is no modern instance of any person being admitted as a burgess or freeman without the consent of Lord Mayo; and there has not been opposition to any individual proposed with his sanction.

Sons of Freemen.

The Sons of Freemen have been admitted to their freedom, as of right, while resident. From the limited number of freemen, applications for such admission have been very rare.

Exclusion of Dissenters.

There is no instance of a Roman Catholic or Protestant Dissenter being a member of the corporation. A desire to obtain their freedom has existed amongst the inhabitants; but, being generally of the Roman Catholic persuasion, they were deterred from applying for admission by a feeling, that, on that ground alone, they would be rejected. The experiment was, however, made about the year 1832, by a Mr. Wilson, a resident Roman Catholic, and his rejection fortified the impression that had previously prevailed.

Sectarian Feeling.

The strongest Sectarian Feeling is observable in this corporation, which, in a district where Roman Catholics are stated to be numerically to all other sects, in the proportion of thirty to one, has produced the natural consequence of general odium towards the body.

Fees.

7. There is no Fee payable on the admission of a freeman, or election of a burgess or any other officer in the corporation; and even the stamp duty on admissions has of late years been paid out of the corporate funds, and not by the individual admitted.

Functions.

Neither burgesses nor freemen perform any Functions, except those of attending corporate meetings, and electing officers and admitting freemen.

Privileges.

Their Privileges are now confined to eligibility to all the offices of the corporation, and an exemption from payment of tolls and customs. The charter of Elizabeth declares "that it shall not be lawful for any persons, dwelling within the borough, to use any traffic, or any other faculty or occupation, unless he be admitted and allowed a freeman of the said borough by the sovereign, provosts, burgesses, and commonalty, or their successors for ever." I am not aware of this provision having been ever enforced; no attempt to do so has been made within the memory of any living person.

Inferior Officers.

8. The Serjeant at Mace, Town Serjeant, Billet Master, and Weighmasters, are annually appointed by the corporation at large.

The same person fills the offices of serjeant at mace, town serjeant, and billet master, and is continued in office from year to year.

Functions of Serjeant at Mace;

As Serjeant at Mace, since the Borough Court has fallen into disuse, he has had no Duty to perform. When that court sat he executed its process.

of Town Serjeant;

As Town Serjeant, he acts as constable of the borough, and occasionally interferes in the regulation of the markets. He also regulates the assize of bread.

of Billet Master.

As Billet Master, he has frequently a difficult duty to perform, Naas being a considerable thoroughfare for soldiers marching to and from the south of Ireland.

As serjeant at mace, he has no salary.

Salaries.

He receives £12 12*s.* per annum out of the corporation rents, for the offices of town serjeant and billet master.

Weighmasters. Stations of. Salaries of.

The three Weighmasters are stationed in different markets; the first, in the potatoe market; the second, in the butter; and the third, in the corn market. The first is paid a Salary of £10 a-year; the second, £5 a-year; both out of the corporation rents; and the third is paid by the person holding the crane, according to private agreement between them.

Select Body.

9. There is no common council, or other Select Body in this corporation. The Earl of Mayo rules and governs as he pleases.

Constitution.

10. The Constitution was originally popular. The inhabitants were to form the commonalty, and to the commonalty was extended a full participation in all its privileges. In practice, however, the inhabitants have been long excluded from the body; they derive no benefit whatsoever from it; and the existence of the corporation, as at present constituted, is deemed an impediment to the prosperity of the town.

In former times, efforts were made to maintain the constitution and enforce its regulations; and accordingly, it appears that, in the reign of Queen Elizabeth, proceedings were instituted, and a verdict found of "700 marks, penalties against the superior, burgesses, and community of the town of Naas, for admitting the persons therein named into the liberties and franchises of the town, and making them freemen, jurors, and brethren of same, they never having been apprentices in the town, contrary to the form of the statute of the late King Henry VII., in such cases lately edited and provided."

Petitions.

In the second volume of the Journals of the House of Commons of Ireland, page 369, there is, under date the 16th of November 1703, "a petition of the burgesses and freemen, inhabitants of the town of Naas, complaining that the franchises and privileges of the borough were then invaded and infringed by several gentlemen, who were foreigners to the town, and being burgesses of the said town, and justices of the peace in the county, carried matters with a high hand against the inhabitants." On Thursday, the 18th of the same month, this petition was ordered to be heard at the bar of the House on the Tuesday following. On the 24th of that November, a petition was presented from certain persons, "on behalf of themselves and other burgesses and freemen, being inhabitants," alleging that "the major part of the town, being

NAAS.

Protestants, did not consent to the former petition; and that the scope of it was untrue, and contrived for the benefit of the persons only who subscribed it, and not for the advantage of the innkeepers and tradesmen of the town, who had their support chiefly from the gentlemen of the county, who had been complimented and entreated by the said town to be burgesses and freemen thereof, for the good and profit of the said town; that the Eustaces, who subscribed the former petition, had injured the corporation, by making gentlemen, burgesses of the corporation, who had no manner of interest in the town of Naas, or county of Kildare, but lived in the city of Dublin and county of Wicklow; forasmuch, therefore, as the foreign burgesses, who were inhabitants of the county of Kildare, had done the town many and singular good offices, and particularly in making the town of Naas the shire town, at a great charge to the county, Kildare being anciently the shire town, they prayed the House to do in the premises for the good of the petitioners as should be thought fit."

And it was ordered by the House, that the latter petition should "be again read, when the matter of complaint on the petition of the burgesses of the borough of Naas should be heard at the bar of the House."

I have not been able to trace these proceedings further, or to find any decision upon the petitions by the House of Commons.

Corporation, close and exclusive.

Notwithstanding its originally free institutions, this Corporation has long been of the closest and most exclusive description. The borough returned two Members to the Irish Parliament, of whom Lord Mayo had the nomination, the elective franchise being vested in the corporation.

M.P.'s to the Irish Parliament.

Compensation Money.

When, by the Act of Union, the borough was deprived of this franchise, £15,000 were paid, as Compensation to the Earl of Mayo and the Hon. and Rev. Richard Bourke, to be applied upon the trusts of his lordship's marriage settlement.

The borough appears to have first returned Members to Parliament in the second year of Queen Elizabeth, and prior to the Queen's charter.

Bye-laws.

11. The charter of Elizabeth conferred upon the "sovereign, burgesses, and commonalty, or the major part of them, with the sovereign and provosts," the power of making Bye-laws. This privilege has not been exercised for many years. There are a few bye-laws interspersed through the books of the corporation.

Jurisdiction.

12. The corporation do not exercise at present any Jurisdiction, criminal or civil.

Borough Court.

By charter, the sovereign and provosts are empowered "to hear all personal pleas, arising within the jurisdiction of the borough; and to make such due process and execution of the same, as the mayor and sheriffs of the town of Drogheda were used to do."

A court of civil jurisdiction was accordingly held before the sovereign and provosts, but it has fallen into total disuse so long ago that no evidence could be obtained respecting it. The officers of the corporation alleged that they were not aware of the existence of any book or record belonging to it, and could give no information as to its course of proceeding.

Assizes.

Naas is, alternately with Athy, the assize town of the county of Kildare, and the Spring Assizes are held here.

An order, bearing date the 15th of July 1641, appears in the first volume of the Journals of the Irish House of Commons, directing "that the assizes of gaol delivery for the county of Kildare be kept and held at Naas, as being the most commodious and usual place for the gentry and freeholders of the county to resort unto for that service."

Quarter Sessions.

Quarter Sessions occur at Naas twice a year. The civil bill process of this court would, if the court were oftener held, supersede the necessity of a Borough Court, and afford a preferable tribunal for the recovery of small claims.

Petty Sessions.

Petty Sessions is held weekly before county magistrates. The sovereign scarcely ever attends; one of the portreeves, who happens to be a county justice, sits as such.

Police.

13. Except the town serjeant, there is no corporate Police. The county constabulary act within the district as in any other part of the county. There are generally from six to ten of them stationed here.

Prison.

14. There is not, nor has there been within memory, a borough Gaol. There are two county gaols situate in the town, to which town prisoners are committed; but neither the corporation, nor any of its officers, have control over them.

Poor.

15. The corporation do not support any institution for the relief of the Poor, and there is no public school, or other charitable foundation, under their superintendence.

Schools.

There is a diocesan School established under Act of Parliament, and there are Sunday and other schools, for gratuitous education.

PROPERTY.

Lands and Houses.

16. Prior to the reign of James I. the corporation of Naas was possessed of 35 Houses and a considerable landed Property; and, amongst other, of a denomination called "Magdalens," of a castle and 19 acres of land, in the town and fields of Naas, of the lands of Gingerstown, and 23 acres of land in the town. How they originally acquired this property did not appear.

Petition to James I.

In a Petition from the corporation to James I., early in the seventh year of his reign, these lands are described as "chauntrie lands, tenements, and hereditaments, held by the corporation time out of mind, and for which they paid for reparation of the church of St. David £9 per annum."

for Liberty to surrender Lands, &c., and for a Regrant.

Act of 16th April 1609, giving Leave to surrender.

In the seventh year of the reign of James I., the members of the corporation having presented their petition, praying, amongst other things, that they might be at liberty to surrender their Lands and Tenements, and for a grant of the same to them and their successors, paying such chief rent as theretofore paid, and also the rent to the church of St. David, the Lord Deputy and Council, by the Act of the 16th of April 1609, already mentioned, declared that the said

members of the corporation might surrender up to his Majesty all such chauntrie lands as they then held; and that thereupon the said lands might be regranted to them and their successors, rendering to the King, his heirs and successors, the yearly rent of £4 Irish, besides the usual rent of £9 per annum to the church of St. David.

Shortly after this act of council, the sovereign, portreeves, burgesses, and commonalty, by deed poll, bearing date the 20th day of April, in the 7th year of James I., surrendered to his Majesty all the lands and premises therein mentioned, "with this intention, nevertheless, that he would vouchsafe to grant, by his letters patent, all the said towns, villages, hamlets, messuages, lands, tenements, and hereditaments, to the said sovereign, provosts, burgesses, and commonalty of the town of Naas, and their successors for ever;" and they at the same time executed a Power of Attorney to Michael Latten, of the city of Dublin, to deliver up unto the Chancellor the deed of surrender; and accordingly the Chancellor, having accepted of such surrender by the hands of the said Michael Latten, the Charter of James, after reciting the deed of surrender and stating the acceptance thereof, granted "unto the sovereign, provosts, burgesses, and commonalty of Naas, all the lands, tenements, and hereditaments, comprised in the said deed, to hold to them and their successors for ever, as of the castle of Dublin, in free and common soccage only, and not *in capite* nor by knight's service, paying thereout unto the King, his heirs and successors, £4 current money of Ireland, and also paying thereout, for the repairs of the parish church of St. David, the yearly rent of £9 current money of Ireland."

20th April, 7 Jas. I. Deed of Surrender.

Power of Attorney.

Grant of Lands in Charter of 7 Jas. I.

The corporation continued for a series of years in the possession of the estates comprised in the charter of James, and were occasionally involved in expensive litigation concerning them, to support which it was stated that a considerable portion of the rents had been applied.

I transcribe from the second volume of the "Journals of the House of Commons," of Ireland, (page 231,) the following petition from "John Jones, Henry Dalton, John Brewer, and Thomas Misson, in behalf of themselves and almost all the freemen and poor inhabitants of the corporation of Naas." It appears to have been presented on the 30th of November 1697, and I introduce it under the head of "Property," because, while it enumerates many grievances, its most material complaint is of the improper use of the corporate lands.

The journal states that the Petition was presented to the House, and read; setting forth "that the town of Naas is an ancient corporation which ought to consist of 12 burgesses *residing* in the town; that of those, four or five only do reside there, who, confederating together, and strengthening themselves by taking in 12 foreigners more to make up 24 in all, do by virtue of bye-laws pretended to be made at their private assemblies, without the petitioners' consent, grievously oppress the freemen and inhabitants, taking from them 300 *acres of very good land, their ancient common,* which they have enjoyed time out of mind, till very lately; that they have been forced from them without their consent and *sold or set for long leases to some of themselves for little or nothing;* and though they have thus unjustly robbed the petitioners of their ancient rights and commons, yet they arbitrarily, and very unequally, tax the petitioners in all manner of town and country taxes, as when they enjoyed the said commons, and lay very little on those who do enjoy them; when by all rule and custom in the country they ought to pay it all, and the poor cottiers nothing: that the little rent received out of the said commons, sold, or set thus, without their consent, is sunk into the private pockets of the respective sovereigns, without any aid or advantage to the corporation, as is also a considerable yearly revenue raised by the tolls and customs which were exacted from the freemen as well as foreigners, contrary to their charter, and the corporation have no benefit by all this; having no gates, nor walls, nor bridges, repaired for it, nor streets paved, nor so much as strand; but, on the contrary, petitioners are taxed on all occasions, and distrained at the will of the two or three burgesses and the sovereign, as they were lately on pretence of buying the new measures pursuant to the late Act of Parliament, and for a Ballour, who does not do a pennyworth of service for the town, but is a labourer in the sovereign's house: they do likewise, by having so many foreigners burgesses, keep the sovereignship almost continually in one family, or dispose of it to such as shall engage to let one of that family be deputy under him, and farm the tolls and customs at such rate as that family pleases; by which means the ancient freemen are not only robbed of their right of being sovereigns in their turns, but are oppressed by this usurped power, and forced to pay toll, customs, and taxes, to which they are no ways liable by their charter: the petitioners are likewise grievously oppressed by the unequal quartering of soldiers on them, while the rich men of the town, who ought and are able to quarter them, go free, which the petitioners bore with great patience during the war, but are now no longer able to do, being by those and many such like arbitrary proceedings and oppressions, and the taking of all their commons from them, reduced to the lowest extremity: they have often made suit to their sovereigns for redress, but can obtain none, and being too poor to wage law with their oppressors, who are grown rich with their spoils, and too fond of the gain to let it go." And they therefore prayed "the House to take the premises into consideration, and give them opportunity to prove their complaint of those and the like oppressions, which they are ready to do, that they may obtain such relief as shall seem meet." The petition was referred to a committee, but I have not been able to find any report upon it, and Parliament having been prorogued on the 3d of December following, only three days after the presentation of the petition, it is probable that no report was ever made.

Petition, 30th Nov. 1697.

A good deal appears on the registry to lead to a belief, that the allegations of the petition, as far as they relate to property, were not destitute of foundation. I have discovered many memorials of Leases made by the corporation from the very commencement of the registry (1708) to the year 1822 at extremely low rents. In 1695, the corporation appear to have

Leases.

NAAS.

demised to Frances Spring "28 acres of land near the town, called 'The Commons,' beyond the old Bridewell downward to the Knocks, for 99 years, at the yearly rent of 11*s.* 6*d.*" There is on the registry a memorial of a lease bearing date the 11th November 1712, whereby the sovereign and portreeves, "with the free will and consent of the burgesses and commonalty," (as it is stated,) demised to Thomas Burgh one plot of ground on the west green of Naas, and five acres of corporation lands, and 20 acres in and about the lands of Knock, adjoining the lands of Naas, and 2A. 3R. 15P., adjoining to Agog's Gate, leading from Naas to Clane, to hold for the term of 99 years, from the 25th March 1712, at a rent of 18*s.* a-year. There are several memorials of leases to Alexander Graydon at nominal rents, and some of them are executed by Henry Graydon as one of the portreeves. One of the leases to Graydon, which bore date the 25th August 1713, demised three acres, at a rent of 3*d.* per acre. Most of the registered leases are of dates between the years 1707 and 1732, and being for terms of 99 years, have recently fallen in. This circumstance should have enabled the corporation materially to have increased their income within the last 20 years, had not the mismanagement and misapplication of the corporate estates continued to the present time.

Feefarm Grant.

It was stated, that about 50 years ago the corporation made a Feefarm Grant of a very considerable portion of their lands to the late Lord Mayo, at an annual rent of a few pounds a-year.

Map of 1809.

A Map was produced, dated in the year 1809, entitled and purporting to be, "A map of the estates of Lord Mayo, in and about the town, together with a part of the corporation lands."

The feefarm grant having been made to the late Lord Mayo, prior to that date, the lands comprised in it are not described in the map as part of the corporation property; notwithstanding which there are 22 denominations, containing 199A. 2R. 28¼P., included in that map as corporate property. The map does not include Gingerstown, which is mentioned in the charter to contain 60 acres, nor the lands of Magdalens, therein stated to contain 20 acres.

This would show that the corporation property, including Gingerstown and Magdalens, should at least have amounted to 279 acres, in the year 1809.

Rental.

A Rental was produced, by which it appears that the amount of rent now received for the corporation is £322 17*s.* 7½*d.* a-year; but this rental does not, I apprehend, include the lands of Gingerstown, or Magdalens, nor the rent payable to the corporation by Mr. Burgh. Gingerstown and Magdalens may possibly have been comprised in the feefarm grant to the late Lord Mayo, and on that account be omitted; but Mr. Burgh's Lease was executed since that grant, and I see no reason for the omission of his rent. His lease is registered, and, according to the memorial, bears date the 29th September 1816, and by it the Earl of Mayo as sovereign, and the portreeves, demise to him the lands of Broadcorner, containing nine acres; two acres and two roods of the lands of Spring's commons; and that part of the Knocks now called "The Fields," near Naas, containing nine acres; and the lands of Monecacha or Monegallagh three acres, for three lives, with a covenant for perpetual renewal at the yearly rent of £45 5*s.* of the then currency of Ireland.

Burgh's Lease.

29th Sept. 1816.

Deed of Compromise, 30th Nov. 1816.

This lease appears to have been the result of a compromise of suits, in which the corporation were involved with Mr. Burgh, respecting some denominations of land. I collect this from the memorial of a deed, bearing date the 30th November 1816, between the same parties as the former deed, and in which it is recited, that several suits being pending between the Earl of Mayo and the corporation of Naas and Thomas Burgh, touching certain lands situate in and near Naas, the parties had come to a final agreement; and in consideration of Mr. Burgh's accepting the lease and giving up a piece of ground adjoining the tholsel wall, the corporation were to release, not only the lands then claimed by them, but all other lands and tenements in the possession of Mr. Burgh; and after these recitals, the deed proceeds to convey to Mr. Burgh the town and lands of Monread, on the right hand side, leading from Naasto Rathasber, that part of Spring's commons containing 28 acres, lying beyond St. Dominick's Abbey downwards to Naas, and upwards to Cloranblares, and the house in the town of Naas, at one time known by the name of the Great Inn, or Eagle; and also the fields near the town of Naas, formerly in the possession of Garrett Lee, containing 18A. 2R., and the parks adjoining the road leading from Naas to Donore, containing 8A. 3R.; all described as situate within the borough, to hold to Mr. Burgh, his heirs and assigns, for ever.

Down Survey.

The map of the parish of Naas in the Down Survey is burnt, but in the book of "Survey and Distribution," Monread is stated to contain 294A. 0R. 18P. In the same book there are, in the list of forfeited lands in Naas, the following:

A.	R.	P.
24	0	12
12	1	28
10	2	26
212	3	12

and on the opposite page, which professes to state the grantees of the forfeited estates, there is, corresponding with the above, the following entry: "Nicholas Stopford and the rest of the inhabitants of Naas." It is to be observed that the pages which state the names of the grantees are not admitted as legal evidence.

The land agent of the corporation is also land agent to Lord Mayo, and stated that he credited Lord Mayo with the sum of £55 7*s.* 9*d.* annually, which is received from Government as the Rent of a Barrack in the town.

Rent of the Barrack.

It was alleged that this barrack is the property of the Corporation, and that the body, and not Lord Mayo, should be credited with the rent. The agent stated his inability to give any further information on the subject than that he applied the £55 7*s.* 9½*d.* to Lord Mayo's account, because he did not find it in the rental which had been furnished to him as the rental of the corporation property.

It was stated by a witness, named Patrick O'Farrell, that a farm called Maudland, containing 21 acres, which he holds from Lord Mayo, is the land of "Magdalens" mentioned in the charter. The same person also stated the reputation of the country to be, that another denomination, which he also holds from Lord Mayo, called Motien, was corporate property. The lands of Old Town, the Knocks and the Motes, now in the possession of Lord Mayo and his tenants, were also mentioned as having belonged to the corporation. I think it appears by the memorials of the leases, that "The Knocks" was corporate property. Maudland.

It is plain that this property was formerly much more extensive than it is at present; and that the portions of it which have passed from the corporation have got into the possession of Lord Mayo.

As the Feefarm Grant was not produced, and as no evidence of its contents could be obtained, I am unable to state what portions of the corporate property passed to the Mayo family, under that grant, or what parts (if any) were acquired by usurpation. The registry has been searched for a memorial of this grant, but none such has been found. Feefarm Grant not produced.

Great confusion as to the property has also arisen from the circumstance, that in modern times Lord Mayo's land Agents and law Agents have been always appointed agents to the corporation, a circumstance which has operated certainly not to the prejudice of the interests of Lord Mayo. Agents.

In the year 1832, it seems to have been arranged between Lord Mayo and some of his family, who are members of the corporation, that the residue of the corporate property should be conveyed to his lordship.

The 29th of September is the day of annual meeting of the corporation. It was stated by Mr. Payne, his lordship's land-agent, that about a month previously to that day in the year 1832, he met his lordship and his brothers, the Bishop of Waterford and the Dean of Ossory, at Lord Mayo's house, within two miles of Naas, and received instructions from them to apprize the other members of the corporation by notice, that at the approaching Michaelmas meeting a resolution would be proposed to convey the remaining property to Lord Mayo, and that he accordingly caused notice of such intention to be given to seven persons, namely, to his lordship's two brothers, George J. Bourke and the Dean of Ossory; his two nephews, Sackville Bourke and John Bourke; Mr. Connor, Mr. Uniacke, and Mr. John Rutherford, a freeman.

Mr. Payne was probably correct in stating that all the persons mentioned had received notice of the purport above mentioned, except John Rutherford; but he seems to have been mistaken with respect to him, as will appear in a subsequent part of this statement.

On the morning of the 29th of September 1832, Lord Mayo's law-agent, at his lordship's house, by the direction of the Dean of Ossory, entered in the corporation book the following resolutions:—

"*Borough of Naas and County of Kildare, to wit.*

"At an assembly, held the 29th day of September 1832, before Robert* Bourke, Esq., sovereign, and the Hon. and Rev. George Theobald Bourke and John Connor, Esq., portreeves, among other resolutions, it was moved: Resolutions of 29th Sept. 1832.

"Resolved, That a feefarm grant for ever of the several lands and premises, comprised in certain letters patent of King James I., bearing date the 2d of May 1609, (excepting, however, and reserving thereout certain lands and premises, mentioned and comprised in a certain feefarm grant from this corporation to the Right Honourable John Lord Viscount Mayo, the ancestor of the present Earl of Mayo,) be executed and perfected by this corporation unto the said Earl of Mayo, his heirs and assigns, subject to the yearly rent of £12 sterling.

"Resolved, That a feefarm grant for ever of the markets and several fairs of Naas, including the Tipper fair, with the tolls and customs, and other profits, perquisites, and emoluments thereto belonging, be executed and perfected by this corporation unto the Right Honourable John Earl of Mayo, at the yearly rent of £9 15*s.* 5*d.* sterling."

The resolutions having been entered at Lord Mayo's residence, the party proceeded thence to the town, for the purpose of having them passed in corporate assembly. The meeting was held; they were read aloud, and passed without objection. They were signed by all the members who attended, being seven, as follows:

Joseph Bourke, Sovereign.
Geo. J. Bourke, John Connor, } Portreeves.
Mayo, R. Waterford, } Burgesses.
John Rutherford, A. H. Payne, } Freemen.

The Evidence of John Rutherford, with respect to the above resolutions, deserves particular observation. He stated that he had not received any notice of the intention of voting away the lands of the corporation at the meeting of the 29th of September 1832. He came late to the John Rutherford's Evidence.

* So in the original: it should be Joseph.

NAAS.

meeting, and entered the room while the others were signing the book. The resolutions relative to the property were on the right-hand page of the book, which had been filled and turned over, and the signatures were upon the other page, so that in signing he had not an opportunity of seeing those resolutions unless he turned back the page; and he alleged that up to the day on which he was examined he was unapprized of the existence of the above resolutions, and believed that he had only subscribed to the ordinary resolutions of the annual meeting. He added he did not consider that the corporation had the power of voting away their lands, and that had he known of any resolution to do so being entered on the book, he would have refused to sign it. These resolutions appear to be so important, that although fully given above, I shall attach to this Report a copy of them, which contains on the second page just so much of the resolutions of the day as was written upon the page of the book to which the signatures were attached.

No fine was to have been paid for this feefarm grant, which, according to the rental produced by the corporation, and the evidence of the Honourable Robert Bourke and Mr. Payne was to convey for ever to Lord Mayo a property producing £322 a-year, exclusive of Mr. Burgh's rent and of the rent of the barracks, and, according to the statement of the inhabitants, upwards of £500 a-year, for a rent of £12 per annum.

Conveyances.

The law agent received instructions to prepare Conveyances, pursuant to the resolutions; the draughts were settled, but the deeds were not engrossed when the Inquiry was held at Naas, (the 16th and 17th September 1833,) as something was stated to be wanting to make a legal conveyance. There was a difficulty in obtaining information as to this obstacle, as the agent seemed to consider it a professional secret, and disclosed no more than that the obstacle was, the difficulty of obtaining the approval of the Lord Lieutenant to the appointment of the officers. Such approval is not required by the charters, or the "New Rules," or any act that I have been able to discover. The impression on my mind was, that some one of the sovereign and provosts for 1832 objected to the transfer of the property, and that the corporation were waiting for the appointment of new officers on the 29th of September 1833, who would consent to it. It is observable that Lord Mayo, shortly before the 16th of September, wrote to his law agent to ask the Dean of Ossory, who dictated the resolution of 29th September 1832, to act as sovereign for the year commencing at Michaelmas 1833. Mr. Payne stated that the year's rent from 1832 to 1833, being "£322," would be credited to the corporation, as the conveyances had not been executed.

Accounts.

17. It appears that two Accounts have been lately settled, purporting to be between Lord Mayo and the corporation.

In September 1830, documents were furnished by Lord Mayo to his solicitor, for the purpose of preparing the first of these accounts. On the credit side were, the amount of the bills of costs in the suit between Mr. Burgh and the corporation, and the expenses of building a new market-house; and on the other side, his lordship was debited with certain rents of the corporation, as furnished by himself. There was no person present on the part of the corporation in the preparation of this account. A balance of £210 16*s.* 11*d.* was struck on foot of it as due to Lord Mayo, whereupon the following resolution was passed:

"*Borough of Naas, county of Kildare.*

Resolutions of 29th Sept. 1830.

"At an assembly held the 29th September 1830, it was resolved, That the accounts of the corporation, as kept by the Right Honourable the Earl of Mayo, have been this day regularly laid before the corporation and audited, and found correct; and that a balance of £210 16*s.* 11*d.* appearing thereby to be due and owing to his lordship,

"It is further resolved, That the Earl of Mayo be at liberty to receive and take so much of the rents of the said corporation as will pay off the said balance of £210 16*s.* 11*d.*, and that his lordship shall once in every year account before the corporation for the said rents, until the said balance be paid.

"Resolved, That the Earl of Mayo do defray all expenses of the corporation, and that he be at liberty to take credit in his account, on passing same, for all payments so made by his lordship, the sovereign of the corporation for the time being.

"Resolved, That the sovereign, for the time being, shall be at liberty to appoint such person as he may think proper, to collect and receive the rents of the corporation.

"Sibthorpe G. Bourke, "John W. Bourke, "John Rutherford, "A. H. Payne,	Freemen.	"Mayo, Sovereign. "Geo. J. Bourke, } Portreeves. "John Connor, } "B. Waterford, } "Joseph Bourke, } Burgesses."

A subsequent account was prepared in the same way and passed in the year 1832, whereby a balance of £36 12*s.* appeared to be due to the corporation; and in respect to this latter account a resolution was passed on the 29th of September 1832, as follows:

Resolution of 1832.

"The Right Honourable the Earl of Mayo having settled all corporation accounts up to this day, whereby a balance of £36 12*s.* appears due to this corporation,

"Resolved, That the said balance be agreed to, and same to remain in his lordship's hands to meet future expenses."

Lord Mayo was absent from Ireland when the Inquiry was held at Naas, and I was unable to procure access to either of these accounts.

It was alleged that the expenses of erecting a new market-house were charged against the corporation in the first Account, although there is a stone in the building, on which is engraved a statement that it was built at the expense of Lord Mayo.

NAAS.

It was stated that the Accounts were, together with all leases and other documents relating to the corporation, locked up in his lordship's house, and that the keys were in the possession of his lordship. The law agent subsequently refused to give me any further information respecting the accounts or property of the corporation. Accounts, &c. where kept.

18. By the charter of 11 Elizabeth and 7 James I., already mentioned, a weekly market was granted to be held on Monday and two fairs in the year, namely on Ascension day, and the feast of St. Martin the Bishop, and two days after each, together with Tolls and Customs, at the rate following, that is to say: Tolls and Customs.

	d.
For every horse sold within the town, or the franchises thereof, good and lawful money of Ireland	2
For every cow so sold	2
For every goat so sold	1
For every pig so sold there	1
For every sheep	0¼
For every sack of grain so sold	0½
For every hide or skin of the value of an ox-hide	0½
For every cart-body, or plough, so sold	1
For every pair of wheels so sold	0½
For every merchandise of the value of 2*s.*	0½
For any merchandise of the value of 5*s.* so sold	1

Charter Schedule.

and the corporation were thereby empowered to receive all other customs and profits for all matters sold within the said town and the franchises thereof, as the bailiffs of the town of Dundalk, took within the latter town.

There are now good Markets held on every Monday, Thursday, and Saturday: the corn market is very extensive. Markets.

The corn market is opened at the ringing of a bell, by one of the weighmasters. The stated hour is 11 o'clock A.M., but it frequently continues closed until one o'clock P.M.; a circumstance which is complained of by the inhabitants.

The situation of the market has been recently changed.

The old Market-house stood in the centre of the principal street in the town; the present is at the extremity of the town, towards the canal; and it is stated by the inhabitants that the consequence of the removal of the market from the town has been most injurious to the shopkeepers. This consequence was anticipated, and accordingly when the old market-house was pulled down, the inhabitants assembled and subscribed a sum of £500, which they proposed to hand to Lord Mayo for the erection of the new market-house, provided it was built in the centre of the town. This offer his lordship was stated to have declined, on the ground that he had promised a Mr. Pollard to build it on its present site. Market-house.

The shopkeepers state, that from the period of the removal of the market, the town has been declining. They insist that the proximity of the present market-house to the canal does not afford any convenience, as there are few shipments from Naas by the canal, it being cheaper and more expeditious to transmit corn to Dublin by land. The distance by land is about 15 miles.

Cranage is a source of some emolument to the corporation. The public cranes were formerly let at rents from 30 guineas to 40 guineas a year; they do not now produce so much. The present charges, according to the schedule, are, Cranage.

	d.
For weighing each sack of corn of 1 cwt.	1
„ under 1 cwt.	½

There seem to be some overcharges at the public cranes, as well as in the collection of the tolls. Formerly, however, the abuses in this respect were much greater.

20. About 12 years since a Market Jury was sworn to regulate the markets for the then ensuing year. The members of this jury entered upon the discharge of their duties, but receiving no countenance or support from the authorities, they soon ceased to act, and no market jury has since been sworn, and the regulations of the markets have been much neglected. Market Jury.

21. There are seven Fairs held at Naas in the course of the year: two are held under the charter of James I.; two by a patent granted by George III., in the eleventh year of his reign, and these are held on the 17th March and the 10th August; and a fifth by patent of 1 Jac. II. to the corporation, and which is called the Tipper fair, and is held on Whitsun Tuesday. Lord Mayo obtained a patent, in the fifty-fifth year of George III., for two more fairs, which are accordingly held on the 16th of February and the 20th of October. Fairs.

The tolls and customs of these seven fairs are the same, and they have been let together, and credit given for the entire receipts to Lord Mayo. The last sum received, for the entire, in one year, was £27. Why the receipts of the tolls of any of the fairs, except those of the 16th of February and 20th of October, should have been credited to his lordship instead of to the corporation, was not explained; and it seems the more unaccountable, as the agent who gives his lordship that credit is a party to the resolution of the 29th September 1832, which establishes, that, up to that date, at least a portion of the tolls and customs was the property of the corporation.

NAAS.

The following is the schedule now in use, and, except in the charge for sheep, it is nearly conformable to the charter schedule, allowing for the altered currency. Sheep are charged $\frac{1}{2}d.$ instead of $\frac{1}{4}d.$ There is also a charge in the present schedule of $5\frac{1}{2}d.$ for a stall or stand, which is not in the charter :

SCHEDULE of TOLLS and CUSTOMS to be collected at the Fairs and Markets held in the town of Naas.

	d.
For every horse	$1\frac{3}{4}$
For every cow	$1\frac{3}{4}$
For every heifer	$1\frac{3}{4}$
For every ox	$1\frac{3}{4}$
For every bull	$1\frac{3}{4}$
For every calf	1
For every pig or goat	1
For every sheep or lamb	$0\frac{1}{2}$
For every sack of grain	$0\frac{1}{2}$
For every hide, or skin	$0\frac{1}{2}$
For every cart-body, or plough	1
For every pair of wheels	$0\frac{1}{2}$
Merchandise of the value of 2*s.*	$0\frac{1}{2}$
Ditto of 5*s.*	1
For every stall or stand	$5\frac{1}{2}$

Tolls are not at present collected at markets, except on corn and butter; they are at fairs. The produce is not considerable.

STATISTICAL DETAILS.

22. According to the Return of 1821,

The population of the town of Naas was then	3,073
In 1831, by the enumeration of that year, it was	3,808
Of whom there were, Males	1,755
„ Females	2,053
Their occupations were,	
Families chiefly employed in agriculture	230
Ditto employed in trade, manufactures, and handicraft	306
All others not comprised in the two preceding classes	207
Occupiers employing labourers	2
„ not employing labourers	11
Labourers employed in agriculture	253
Employed in retail trade or in handicraft, as masters or workmen	384
Capitalists, &c.	62
Labourers employed in labour, not agricultural	81
Houses,	
Inhabited	573
Uninhabited	25
Building	6
Families	743

There are about 50 houses of the value of £10 a year and upwards, the occupiers of which, should the corporation be extended, would form a respectable class to be admitted into that body.

State and Prospects.

23. The State of the town has not improved within the last 10 years. Naas is distant but 15 miles from the metropolis, with which it has a water communication by means of a branch of the Grand Canal, and it is the first considerable town from Dublin on the great southern road; yet with these local advantages it presents a poor and neglected appearance.

The streets are in a bad state of repair, although they form portions of the county roads, and should be kept in order by the trustees of the turnpikes. They are not often cleansed by the authorities, who at the same time prevent the inhabitants from doing so, as one of the portreeves claims the sweepings, which are valuable as manure. To such a length has this been carried, that persons have been fined for removing heaps of filth which had remained for days opposite their houses.

No attempt has been made to introduce the provisions of the 9 Geo. IV. c. 82, for the purposes of lighting and paving the town.

That the corporation is now virtually confined to one family, and at the disposal of an individual, is a subject of very general complaint amongst the inhabitants; and the attempted appropriation of its estates has excited a strong feeling of indignation in the town.

Great poverty exists in this district, which might be materially alleviated by the application, to public purposes, of the property yet remaining to the corporation; and if the management of that property was submitted to an efficient public control, a very considerable fund would be produced from it. I am not aware whether or not feefarm grants have been executed pursuant to the resolution of 29th September 1832; but even if they have, I apprehend that conveyances made under the circumstances I have detailed, could not be sustained.

This corporation is most unpopular, and, as at present constituted, does not exist for any useful public purpose.

NAAS.
Documents sent.

Copies of the following Documents are sent with this Report:

1. Charter of 7 James I.
2. Extract from the Corporation Book, of Resolutions passed on the 29th of September 1832, to grant the Lands and Tolls of the Corporation to the Earl of Mayo.
3. Extract from the same Book, of Resolutions passed the 29th of September 1830, relative to the Accounts between the Corporation and his Lordship.

HENRY BALDWIN.

Inquiry held at Naas, on the 16th and 17th September 1833, before John Colhoun and Henry Baldwin.

423

REPORT

ON

THE BOROUGH OF NAVAN.

CONTENTS.

	Page
Limits	227
Charters	227
Title	227
Constitution	227
Officers	227
Portreeve and Deputy	227
Burgesses	228
Town Clerk	228
Serjeants at Mace	228
Recorder	228
Craner	228
Freemen	228
Select Body	229
Bye-laws	229
Jurisdiction	229
Borough Court	229
Quarter Sessions Court	229
Petty Sessions	229
Police	220
Prison	229
Public Charities	229
Fines	229
Income	229
Property	229
Lands	229
Permissions to build	230
Grants and Leases	230
Fairs and Markets	231
Tolls and Customs	231
Crane	231
Local Acts	231
Statistical Details	232
State and Prospects	232
Document sent	232

BOROUGH OF NAVAN.

1. THE Limits of the Borough of Navan are not coextensive with the present town. Upon the Drogheda side they do not comprise the entire town, while in the direction of Dublin, they extend about half a mile, and on the Trim side nearly two miles beyond it. LIMITS.

The inconvenience of such limits is obvious. As the town is not materially extending, a boundary, distant less than half a mile from its extremity, on every side, would probably comprise all that ought to be within its municipal jurisdiction.

2. This borough appears to have been first incorporated by King Edward IV., by a Charter dated the 2d May, in the ninth year of his reign. (A. D. 1469.) CHARTERS. 9 Edward IV.

It obtained another Charter from Henry VII., which bears date the 10th of March, in the ninth year of his reign. (A. D. 1494.) Henry VII.

A third from King James I., bearing date the 12th of July, in the twenty-first year of his reign. 21 James I.

A fourth from King Charles II., bearing date the 15th October, in the thirteenth year of his reign. 13 Charles II.

And a fifth from King James II., bearing date the 29th of March, in the fourth year of his reign. 4 James II.

The Charter of James I., which is enrolled in Chancery, (Rot. Pat. 21 Jac. I. No. 70, m. 12,) inspects and confirms the charters of Edward IV. and of Henry VII., and declares that the corporation shall consist of a portreeve, free burgesses, and a commonalty, and that all the inhabitants, and such and so many others as the portreeve and burgesses shall admit, shall be of the commonalty; it prescribes the mode of electing officers, and appoints the 13th of September to be the day for electing the portreeve, whom it enables, with the consent of the common council, to appoint one of the burgesses to be his deputy, during absence; it confers upon the portreeve the offices of say-master and coroner within the district, and clerk of the market; it grants to the corporation all manner of tolls and customs of all animals to be bought or sold within the borough, and all tolls and customs of the markets as amply as they enjoyed them by any charter or prescription; and it ordains that no foreigner shall set up any art or manual occupation, unless he shall be admitted a freeman; and that the members of the corporation shall be free of tolls, &c. throughout Ireland. Charter of James I.

The charter of Charles II. also prescribes the mode of election of the different officers, and contains a grant of a court. It differs little in its provisions from the charter of James I.

3. The corporation is entitled, in the charters of James I. and Charles II., "The Portreeve, Burgesses, and Freemen of the Town or Borough of Navan." Title.

4. It consists of a portreeve, burgesses, and freemen. Constitution.

5. The officers are, Officers.

One Portreeve, and sometimes a Deputy Portreeve,
Twelve Burgesses,
One Town Clerk,
Two Serjeants at Mace,
One Recorder, and
One Craner.

The offices of recorder and craner are not mentioned in the charter.

The Portreeve is elected annually on the 13th of September, in an assembly consisting of the portreeve in office, burgesses, and freemen. He is sworn in, and commences to act on the 29th of the same month. The electors who attend are generally the same persons, and are four or five in number. There has not been, at least in modern times, any instance of a contest for the office; in fact, the portreeve is always the nominee, either of the family of Lord Tara or of the Earl of Ludlow, who are the joint "patrons of the borough," and who alternately nominate to the office. Lord Ludlow's agent frequently acts for him, and Captain Francis Preston for the head of his (the Tara) family. The same person is not permitted to fill the office for two successive years. Portreeve, how elected.

The portreeve generally appoints a Deputy, and either he or the deputy is required to be resident. Both must also be of the body of the burgesses. Deputy.

The portreeve, or his deputy, is, by charter, a justice of the peace, and acts as such at petty sessions, and in the performance of the general magisterial duties of the borough. He also claims under the charters, and seems to be a justice of the peace for the county of Meath. He acts as such, at petty sessions, although his right to do so is controverted. Functions of.

The charter of Charles ordains that "the portreeve for the time being shall be a justice and keeper of the peace, and one of the justices of the quorum, within the town and borough,

NAVAN.

and in and within the liberty and freedom thereof, and within the whole county aforesaid, (Meath,) that he may do all things appertaining to a keeper and justice of the peace."

The gentleman who acted as portreeve, during the Inquiry at Navan, further stated that he considered himself, under the charters, to be a justice of the peace for the county of Westmeath, by virtue of his office of portreeve, because the county of Westmeath was originally part of Meath. Having been erected into an independent county by an Act of Parliament of the 34 Henry VIII. c. 1, this question could not arise upon the charters of James or Charles, they both having been, of course, granted subsequently to the date of the Act of Parliament (1543.) The question, however, is not practically of any importance, as the portreeve has not, (of late years, at least,) by virtue of the office, attempted to act as a justice of the peace for Westmeath.

He presided in the Borough Court as long as that court was held.

He is coroner within the district, and clerk of the market. In the former capacity he never acts, and is exceedingly remiss in the performance of the duties of the latter.

Salary and Emoluments.

He has no Salary at present. Since the year 1827, he has had no Emoluments whatever, except those which he derives from the public crane.

When tolls and customs were collected he received the amount, together with some rents payable to the corporation; and out of the fund thus produced, he paid their salaries to the other corporate officers, and retained the residue for himself.

Burgesses, Number of.

The charter Number of Burgesses is 12. At present there are but nine, of whom one only is resident. Four of the eight non-residents are stated to live in the neighbourhood, although not within the limits of the borough.

How elected.

Burgesses are elected for life by the portreeve, burgesses, and freemen, out of the body of the freemen. Residence is not necessary, since the Act of 21 Geo. II. c. 10.

When elected.

Elections occur only at one of the two stated days of meeting in the year; namely, the 13th and 29th of September. The former is generally devoted to the election, and the latter to the swearing of officers.

Vacancies.

The last election of a burgess took place on the 13th of September 1830. There were two Vacancies on the 13th of September 1832, but neither of them was supplied. Of the present burgesses three are brothers of Lord Tara; and Lord Ludlow and his law agent are members of the body.

Functions of.

Burgesses have not any Functions to perform distinct from those which they exercise as members of the corporation at large.

Privileges of.

Their Privileges consist in eligibility to the office of portreeve, a right of voting at corporate assemblies, and an exemption from tolls.

Town Clerk, how elected.

The Town Clerk is elected by the portreeve, burgesses, and freemen, to serve during good behaviour. By charter he is to have like jurisdiction as the town clerk of Athlone or Athboy.

Duties of.

The only Duties he now performs, are those of taking care of the corporation books and other documents, and attending corporate assemblies.

Salary.

He had a Salary of £16 a year. Since the interruption of the receipt of tolls and customs in 1827, it has not been regularly paid; and from the time of the discontinuance of the Borough Court, of which he was registrar, he has had no other emoluments.

Serjeants at Mace.

Duties.

The two Serjeants at Mace are elected, during good behaviour, by the same persons as the town clerk. At present they perform no Duty, save that of occasionally attending on the portreeve. When the Borough Court was in existence they executed its process, for which they received some small fees.

Salaries.

One of the present serjeants was elected in 1812, at a Salary of £4 per annum, and he was to get a cloak and hat every year. He has continued in office to the present time, but has only received £30, and complains that £58 are due to him, on account of his salary.

The other serjeant was appointed in 1826, at a salary of £2 per annum. He claims £13 as due to him, having received but £1 since his appointment.

The present portreeve alleges that there is no fund to pay these salaries.

Recorder.

There was a Recorder elected in the same way as the other officers. He was a barrister and non-resident. He died about two years ago, and no person has been appointed in his place.

It does not appear that the recorder performed any functions of late years.

Craner.

The Craner is appointed by the portreeve, from whom he receives, at present, 1*s.* per week. He is not sworn.

Freemen.

6. No inchoate right to Freedom has, recently at least, been recognised in this corporation.

How elected.

Freemen are elected for life by the same persons and in the same manner as burgesses. No qualification is looked for,

Fees.

No Fees have been payable for the last 14 years, and the stamp duty is the only expense attendant on admission.

Number of.

There are, at present, nine freemen, of whom only two are resident.

Roman Catholics.

No Roman Catholic or Protestant Dissenter has been an admitted freeman of this corporation. It was stated that two Roman Catholics were elected between the years 1793 and 1829, but not admitted, as they refused to take the oaths of supremacy and abjuration, which they were required to do, notwithstanding the 33 Geo. III. c. 21. They were, however, allowed to enjoy the privileges of freemen.

NAVAN.

Freemen have the same Functions and enjoy the same Privileges as burgesses, except that they are not eligible to the office of portreeve. Although, by the charter of James I., the members of the corporation are declared to be free of toll through his Majesty's dominions, there is no modern instance of this privilege being claimed. The charter restriction against foreign traders is, of course, obsolete. Functions and Privileges.

7. There is not at present a common council, or any Select Body, in this corporation; in fact the corporation is virtually extinct, so much so, that its existence was scarcely known to some of the inhabitants, until their attention was attracted to it by the notice for holding this Inquiry. Select Body.

8. The officers stated that they were ignorant of the existence of any Bye-law, and were unable to refer to one in any of the corporate books. Bye-laws.

9. The corporation have no exclusive Jurisdiction. Jurisdiction.

The Borough Court, in which the portreeve or his deputy presided, was held until 1820. Since that year it has fallen into total disuse, and it appears strange that after an interval of only about 13 years the officers of the corporation stated their inability to afford any information respecting it, or even to say to what amount of claim its jurisdiction extended. It would seem to have been unlimited in this respect. Borough Court. Disused.

It does not appear that any intention exists of reviving it. Application has been made to the portreeve to issue its process, which he has refused to do, on the grounds that it has become extinct, and that he is ignorant of the mode of proceeding.

The necessity of such a court is relieved by the civil bill jurisdiction of the assistant barrister at Quarter Sessions. These sessions are held at Navan twice a year, and twice in Kells, distant about eight miles, for the district of Navan and Kells. Quarter Sessions.

Petty Sessions are holden on every Monday, at which the portreeve sits with county magistrates, and in right of his office acts as a justice of the peace, not merely for the borough, but also, as already stated, for the county of Meath. Petty Sessions.

10. There are not any corporate Police, unless the serjeants at mace may be so called. Police.

The county constabulary act within the borough under the direction of the portreeve.

11. There is no Borough Prison; and persons committed from the district are sent to a county gaol, which is within the limits. The corporation have no control over this gaol, further than that which is exercised by the portreeve in committing to it. Prison.

12. The corporation do not support, or contribute to any Institution for the relief of the Poor. There is a county infirmary in the town, of which the portreeve is, *ex officio*, a governor. There is also a fever hospital. Public Charities.

The Act of 53 Geo. III. c. 107, which transferred the management of free-schools in Ireland to incorporated commissioners, recites, in its 14th section, a conveyance of John Preston, in the year 1686, of the lands of Cappaghloughlin, in the Queen's County, in trust for the schools of Navan, Ballyroan, and the hospital of Oxmantown; and enacts, that the Commissioners shall, for the purpose of ascertaining the due management of the trust, and the application of the funds arising out of the lands, make such visitations, inquiries, and reports, and direct that the issues and profits of said lands, and the overplus of such issues, &c., shall be applied in like manner as the Commissioners were empowered to do in respect to any other schools of private foundation, by virtue of that Act; and that after the passing of that Act, (the 10th of July 1813,) the net rents shall be divided into three parts, and seven-sixteenths be paid to the use of the school of Navan. The school has been since under the control of the Commissioners.

13. No Fines have been imposed by the corporation on its own members, but the portreeve has, as a magistrate, inflicted penalties. About £20 were paid to the treasurer of the county infirmary, as the amount of fines imposed and levied in 1832, on the inhabitants of the district, by the portreeve and magistrates, at petty sessions. Fines.

14. The corporation are not, at present, in receipt of any Income whatsoever, save about £5 a-year, derived by the portreeve from the public crane. They formerly possessed considerable landed property in the neighbourhood of the town, which was stated to have been granted by charter. Income.

15. What was originally the Extent of this landed Property it is now almost impossible accurately to ascertain, there being no map or survey of it in the possession of the corporation. It was called "the Commons of Navan," and was stated to have formerly comprised about 1,200 acres. These commons were, from time to time, encroached upon, and enclosed, by tenants of the neighbouring landlords, and when the tenants' leases expired, the landlords obtained possession of the portions of the commons so enclosed, as well as of the land originally demised by them. In this way, it was stated, that the greater part of the commons passed several years ago into the possession of the adjoining landlords, and in particular to the Tara and Ludlow families, so that less than 150 acres remained to the corporation. Property, Extent of. Encroached on.

No care was taken to preserve this property. Some years ago the corporation appointed a "ranger of the commons," but he permitted persons to build and enclose portions of them. The late portreeve (Mr. Hamilton, deceased) appears to have dealt with this land most liberally towards persons in favour with the corporation, and to have permitted their appropriating portions of it to themselves; so that the entire of the commons, and a considerable part of the ground in the town, called "the Fair Greens," have been built upon and enclosed, and no part of the commons now remains in the possession of the corporation, nor is that body at present in receipt of any rent thereout. All enclosed.

NAVAN.

118 acres easily identified.

It would not, however, be difficult to identify some portions of these lands.

One hundred and eighteen acres, not long since valued by tithe valuators, appear clearly to have been part of the corporation commons, and to be occupied by persons without any title.

Tithe Valuation Book.

An extract from the Valuation Book, herewith sent, will show the names of the occupants, and the quantities of ground they respectively hold. The 118 acres have been occupied and enclosed within the last 15 or 16 years.

Although the corporation thus permitted their property to pass into other hands, they still assert title to it; and on the occasion of the first registry of freeholders under the Reform Act, (2, 3 Will. IV. c. 88,) the portreeve successfully resisted the claims of some of the settlers to register, as voters for the county of Meath, in right of holdings on the commons, on the ground that they had no legal title to them, and that the commons were the property of the corporation.

This assertion of title on the part of the corporation has not been followed up, a circumstance which might justify a suspicion, that the proceedings at the registry were more connected with county politics than with the interests of the corporation.

Resolutions for Grants.

There are several Resolutions on the corporation books, granting portions of the commons to individuals who were in favour with the portreeve, the late Mr. Hamilton, at very low rents. In some instances the grantees obtained possession of their portions, and enclosed, and still enjoy them; but they were more frequently compelled to forego their claim from the apprehension of violence on the part of the settlers, who had obtained the prior possession without any title, or if the portion was still in a state of commonage, of persons resident in the neighbourhood, who used it as such, and on that account resisted its enclosure. A gentleman to whom five acres were offered at a rent of a few shillings, but who did not, for the reason above mentioned, insist upon holding them, stated that he proposed to accept them, seeing the land in a course of distribution, thinking that he might as well take a portion as let it go to some other person; and this feeling appears to have been very general about seven years ago.

Property in the Town.

Permissions to build.

The corporate Property in the Town consisted of three Fair Greens of considerable extent. These have also been built upon, and are nearly enclosed, in many instances, with the permission of the late Mr. Hamilton. There were, in some cases, agreements in writing between him and the person obtaining the ground, by which small rents were reserved to the corporation; but there was frequently nothing more than a parole agreement, on the part of the occupant, to pay rent; and in many instances the ground was given with leave to build, without any reservation of rent or any apparent intention of charging it. No indenture of demise was produced, and it was stated that the written agreements were mislaid.

Grant to George Brady.

An entry appears, in one of the books, of an agreement in 1813, to grant to George Brady a plot on one of the fair greens for building, for a term of 999 years, at a rent of 30*s.* a-year. Brady built two houses upon it. He was examined, and stated that he was to pay £1 a-year only, but that he never paid any rent, not having been called upon to do so. He had a private account with the portreeve, of which a balance was due to him; he said that the rent was not set off against the claim, but that he did not call for or receive the amount of that balance.

For four years no Rent received.

In other cases where rents were reserved, they have not been collected, and no Rent of any sort has been received for the last three or four years.

A portion of the fair greens seems to have got into the possession of a Miss Hamilton, sister of the late Mr. Hamilton, but whether this occurred with the direct permission of her brother did not appear.

A case was instanced in which the portreeve stopped the building of a house on one of the fair greens, which had been commenced without his permission.

A small piece of land belonging to one of the fair greens, and lying near the county hospital, was granted by the portreeve to that establishment, in requital for which the portreeve for the time being is a governor of the hospital, as already mentioned.

Evidence lost.

Mr. Hamilton died in the month of June 1832, and by his death the evidence of the circumstances connected with the occupation of the commons, and of the agreements by which rents were reserved is lost, as in most instances no entries relating to them appear in the books of the corporation.

There are, however, some books and documents in the possession of Mr. Hamilton junior, which might assist in tracing the lands.

There appears on the registry the memorial of a lease, bearing date the 11th February 1713, and purporting to have been made between the portreeve, burgesses, and commonalty of the town and borough of Navan, of the one part, and John Tench, gentleman, town clerk of said borough, of the other part, whereby the corporation conveyed to Tench Moninbeggals Hurling park, containing three acres, Calf park *alias* Bullock's park, with the old penfold and the little bog adjoining, containing eight acres, to hold for ever at the rent of £1 2*s.* 0*d.* per annum.

Commentary upon the above detail would be superfluous. Property which by good management would produce a considerable income, has been (at least hitherto) lost to the corporation by the misconduct and mismanagement of its officers.

NAVAN.
FAIRS and MARKETS.

16. The grants of Fairs and Markets, to be held at Navan, as far as I have been able to discover, are as follows:

Date of Grant.	Enrolment.	Grantee.	Fairs and Markets.
4th August 1663.	P. 15 Car. II. p. 2, m. 37, d.	Sir Hans Hamilton, Bart.	Grant of the customs out of the markets and fairs, in Navan, formerly held by Thos. Nangle, called Baron of Navan.
15th October 1679.	P. 31 Car. II. p. 1, m. 46, d.	Corporation.	Fairs, Easter Monday and Tuesday, Monday and Tuesday after Trinity Sunday, first Monday and Tuesday in September, and first Monday and Tuesday in December, with the tolls of these fairs.

Wednesday and Saturday in each week are now market days, and there are four fairs held in the year, namely, on Easter Monday, June 4th, September 13th, and December 6th.

17. Up to 1828, Tolls and Customs were collected at these fairs and markets. Tolls and Customs.

They were granted to the corporation by the charters of James and Charles, and by the patent of 31 Car. II.; and it was stated that many years ago that body granted the tolls and customs of all the fairs, and one-fourth of those of the markets to a Mr. Meredith, whose interest is now vested in Sir William Somerville, Baronet. Grant to Meredith.

The conveyance to Meredith was not produced. I have found registered the memorial of a settlement dated the 19th April 1732, whereby one of the Meredith family conveyed to trustees, for family purposes, "the proportion of the tolls and customs of the town and borough of Navan, purchased from Sir Hans Hamilton by Arthur Meredith, and also the tolls, customs, and perquisites of the four yearly fairs of the town and borough." And again, in 1775, these tolls were, by deed of the 21st of February, conveyed by Mary Meredith, by the same description. Sir Hans Hamilton could not have been entitled to the tolls of the fairs under his grant from Charles II., as the fairs were not then established. He must, therefore, have been entitled to, and hence sold, a proportion of the market tolls only; and the corporation probably conveyed the tolls of the fairs, to which they were, by the patent of 31 Charles II. exclusively entitled, to the same person. This supposition reconciles the statements in the evidence and in the deed of 1732, which would otherwise appear to conflict. Sir William Somerville claims the customs of all the fairs and of every fourth market, and pays for them a quit-rent of 15*s.* per annum to the Crown.

The Tolls and Customs receivable by the corporation were always let, formerly by public auction, and more recently by proposal; the last rent was £40 for the year, and in the same year (1827) £36 were received as rent for the crane. These sums, together with such rents as were paid for holdings on the corporation lands, were received by the portreeve, who was to pay thereout the salaries of the other officers, and retain the residue for himself. Corporation Tolls let.

Sir Marcus Somerville, the father of Sir William, leased his share of the tolls and customs at £95 a-year. The tenant at this rent fell into an arrear of £400, and a nephew of his obtained a new lease from Sir Marcus, at a rent of £50 a-year on payment of the arrear of £400, and the surrender of the old lease by the first tenant. Sir M. Somerville's Tolls let.

Great extortion appears to have been practised in the collection of the tolls, and the profits of the tenant of the corporation must have been considerable.

In 1828 the collection was resisted on the part of the public, and abandoned by the corporation, and no Toll or Custom has been received by them since the 12th of August 1828. The portreeve stated that it could not be collected without loss of life. Payment of Tolls resisted in 1828.

Sir William Somerville still demands toll at fairs. His receipts on the last fair day amounted to 9*s.* 11*d.* only.

The members of the corporation were always exempt from payment of tolls and customs here; this was formerly a valuable privilege.

18. There is still a public Crane belonging to the corporation, but it is little resorted to, there being no regular weights for it. Very general and well-founded complaints are made of the want of a properly-regulated public crane. Crane.

Formerly, the crane was let annually by the portreeve at a rent varying from £30 to £40. At present the portreeve pays 1*s.* per week to a craner, and receives the profits, which do not amount to more than £5 a-year. Formerly let.

19. The town of Navan is one of six towns included in the Act of 2 Edward IV., passed for the purpose of enabling those towns to continue the collection of customs, for murage, pavage, and pontage; as to the legality of which the statute declares that doubts had been entertained. Local Acts.

NAVAN.

There is another local Act, which, however, was but temporary. It is the 34 Henry VIII., and is on the statute roll of 33, 34, 35 Henry VIII. It states that, inasmuch as the town of the Novan, by the invasion of Neill O'Donough, was burned and destroyed, it was enacted, that every carne of land, within the counties of Meath and Westmeath, accustomably used to be charged with the King's subsidy, and not free of such like impositions, should be yearly charged during the term of four years, towards the building the walls; and that Sir Thomas Nangle, &c., should bind themselves in £1000, to build, within ten years, such a wall round the town as should be approved by the deputy and council.

STATISTICAL DETAILS.

20. According to the Return of 1821, the population of the town of Navan was,

In 1831, by the enumeration of that year, it appeared to be	4,416
Of whom there were, males	2,085
„ females	2,331
Their occupations were,	
Families chiefly employed in agriculture	403
Ditto chiefly employed in trade, manufactures, and handicraft	305
All others not comprised in the two preceding classes	200
Occupiers employing labourers	5
Ditto not employing labourers	25
Labourers employed in agriculture	510
Employed in retail trade or in handicraft, as masters or workmen	389
Capitalists, &c.	66
Labourers employed in labour not agricultural	6

Houses inhabited	830
Families	908
Houses uninhabited	17
Ditto building	3

The proportion of Roman Catholics to Protestants is as ten to one. There are very few Protestant Dissenters in the district.

Navan returned Members to Parliament so early as the second year of the reign of Queen Elizabeth. On its disfranchisement by the Act of Union, the patrons Lord Tara and the Earl of Ludlow received compensation; £7,500 being paid to each of them.

State and Prospects.

21. The town is neither lighted nor watched. Some of the inhabitants endeavoured to procure the introduction of the Act of the 9 Geo. IV. c. 82, for those purposes, but the portreeve successfully resisted the attempt. He assigned as his reason for having done so, that proper persons could not be had to fill the situation of commissioners under the Act. Many of the persons to be rated think otherwise. From the state of the streets the adoption of this Act would appear useful. The main streets are portions of the county roads, and as such are kept in repair by county presentments, for which the town is assessed as a portion of the county, but the bye-ways and smaller streets are not county roads, and have not been repaired for several years.

These streets and the bridges are in a very neglected state, and there is no fund to repair them.

The markets have improved since the payment of tolls and customs has been discontinued. The situation of the town, in the centre of a great corn country, produces an excellent corn market; and its abundant supply of water affords great facilities for trading in flour.

Document sent.

22. Document sent,

Extract from the Tithe Valuation Book.

HENRY BALDWIN.

Inquiry held 5th and 6th September 1834, before John Colhoun and Henry Baldwin.

REPORT

ON

THE BOROUGH OF NEWCASTLE.

BOROUGH OF NEWCASTLE.

CHARTER. THE Borough of Newcastle, near Lyons, was incorporated by a Charter granted by King James I., bearing date the 30th day of March, in the eleventh year of his reign. It is enrolled in Chancery. (Rot. Pat. 11 Jac. I. p. 1, m. 11.)

Provisions of. This charter created a corporation by the name of "The Portreeve, Free Burgesses, and Commonalty of the Town of Newcastle," and conferred upon the portreeve and free burgesses the right of returning two Members to Parliament. It prescribed the mode of electing officers and freemen, and contained a grant of a court to be held before the portreeve on Thursday in each week, with jurisdiction to the amount of five marks.

CORPORATION extinct. This borough has ceased to possess a Corporation. Prior to the Legislative Union, the corporation seems to have been kept up solely for the purpose of returning Members to Parliament; for, even before the year 1800, the inhabitants were in no way connected with or affected by it. The patron, the Right Honourable David Latouche, paid an annual visit to the town, and brought with him a number of friends whom he appointed to the offices of the corporation, but who performed no functions as such, save in returning Members to Parliament.

Compensation Money. The Compensation of £15,000 was awarded to the portreeve and burgesses of the borough, and the Right Honourable David Latouche, under the 40 Geo. III. c. 34, for the loss of the elective franchise.

No Court. There appears to have been a royal manor of Newcastle, near Lyons, but since the dissolution of monasteries in the reign of Henry VIII., the town has formed a portion of the manor of Saggard. Colonel Westenra is the seneschal of that manor. No Court has been held within the limits since the Union. The inhabitants resort for petty sessions to Lucan, which is distant three miles and a half.

FAIRS and MARKETS. The grants of Fairs and Markets are as follows:

Date of Grant.	Enrolment.	Grantee.	Fairs and Markets.
13th May 1608.	P. 6 Jac. I. p. 2, m. 5.	James Hamilton, Esq.	Market, Thursday. Fairs, on St. Swithin's and All Saints, and the day after each, with tolls and toll-book.
23d March 1762.	P. 2 Geo. III. p. 2, m. 46.	Corporation.	Market, on Monday. Fairs, on the 9th May and 8th October, and tolls are granted.

Neither fairs nor markets are now held, and there is no recollection of tolls or customs having been collected here.

There were extensive commons belonging to the manor, but not, that I could discover, to the corporation. They have been enclosed under Acts of Parliament passed in the reign of George III.

POPULATION. The Population of this village, according to the enumeration of 1831, was then,

Males - - - - - -	207
Females - - - - -	188
Total -	395
Houses inhabited - - -	71
Families - - - -	79

The population of the manor of Saggard is above 2,000. This village is poor, and is not improving.

HENRY BALDWIN.

Inquiry held 16th September 1833.

REPORT

ON

THE BOROUGH OF OLD LEIGHLIN.

BOROUGH OF OLD LEIGHLIN.

CHARTER.

THIS Borough obtained a Charter from King James II., bearing date the 4th of July, in the fourth year of his reign. This charter recited that Old Leighlin had been an ancient borough, and possessed a corporation. The corporation probably existed by prescription.

CORPORATION extinct.

Prior to the Union, it returned two Members to the Irish Parliament; and the elective franchise being vested exclusively in the officers of the Corporation, the offices were filled and the corporation maintained for the purpose of exercising it, and accordingly when it was disfranchised as a parliamentary borough, the corporation was permitted to fall into decay.

POPULATION.

The town consists of about 20 houses occupied by nearly 100 persons.

There are neither fairs nor markets held in it.

The land about Old Leighlin is bishop's land, belonging to the see of Leighlin and Ferns, except from 15 to 20 acres, concerning which the representation is, that they formerly belonged to the corporation, and this repute seems to be supported by the fact that these acres are held by eight or ten different gentlemen, whose ancestors, it is supposed, got possession of them as burgesses or other officers of the corporation. There is a reputation that there were formerly extensive commons belonging to the municipal body.

There is no police stationed here, and the village is a very inconsiderable one, and from its situation is not likely to improve.

HENRY BALDWIN.

Inquiry held 2d October 1833.

437

REPORT

ON

THE BOROUGH OF PHILIPSTOWN.

CONTENTS.

	Page
Limits	239
Corporation extinct	239
Charters	239
Corporation, constituent Parts of	240
Freemen	240
Police	240
Prison	240
Sessions	240
Public Charities	240
Markets and Fairs	240
Tolls and Customs and Cranage	240
Commons	241
Local Acts of Parliament	241
Statistical Details	241
General Remarks	241

BOROUGH OF PHILIPSTOWN.

LIMITS.

1. THE Limits of the Borough of Philipstown extend on the north to the river Ashmore; on the south, to Ballynagar; on the east, to Mount Lucas; and on the west, to the boundary of the parish of Kill; a distance of about two miles in every direction from the centre of the town.

CORPORATION extinct.

2. The borough has, since the year 1800, ceased to possess a Corporation. It returned two Members to the Irish Parliament; and the corporation seems to have been kept up for the sole purpose of making such return, and, accordingly, no corporate office has been filled since the borough was deprived of the elective franchise by the Act of Union. The compensation money, under the Act of 40 Geo. III. c. 34, was paid to George Earl of Belvidere, Robert Earl of Lanesborough, John King, Esq., and Lady Lanesborough his wife, upon the trusts of the will of Robert then late Earl of Belvidere.

CHARTERS. 12 Elizabeth, 4th March.

3. The Charter by which this borough was incorporated, was granted by Queen Elizabeth, on the 4th of March, in the twelfth year of her reign.

It is enrolled in Chancery. (Rot. Pat. 3 Jac. II. p. 1. d. m. 6.) By this charter the borough was incorporated by the name of "The Burgomaster, Bailiffs, Burgesses, and Commonalty of Philipstown," with like liberties and free usages as the corporation of Naas, or any other free borough. The charter prescribed the mode of electing officers, contained a grant of a court to be held before the burgomaster and bailiffs, without limit in amount of claim, and ordained that the inhabitants should not plead or be impleaded out of the borough, in respect of matters arising within it; it gave to the burgomaster and bailiffs the return of all writs, &c. within the district, and jurisdiction in assize of fresh force, as the mayor and sheriffs of Drogheda had; it constituted the burgomaster a justice of the peace and coroner within the borough, and escheator and clerk of the market; it contained a grant of a market to be held on every Thursday, and of tolls and customs for the use and advantage of the borough, to be collected according to a given schedule, as follows:

	d.
For every horse sold	2
„ cow sold	2
„ goat	1
„ sow	0½
„ sheep	0¼
Every load of boards or planks	0½
For every sack of grain	0½
For every hide or pelt of the value of an ox-hide	0½
For every cart-body or plough	1
„ pair of wheels	0½
Any merchandise to the value of 2*s.*	0½
„ 5*s.*	1

and it declared that the burgomaster and bailiffs might have and receive all other customs and profits of all things sold, as the bailiffs of Dundalk could take, at a rent of 10*s.*; it also gave to the corporation all waiffs and strays in aid of the repair of the borough; it ordained that none but those admitted to be free should use any occupation within the limits; that foreign merchants should not sell by retail any merchandise brought from beyond the sea without licence from the corporation; that no persons might, on market days, buy merchandise, or victuals, (except for their own present sustenance, or from a freeman,) unless between the hours of eight A. M. and three P. M., on pain of forfeiture of the goods bought.

4 James IV., 1st October.

This borough afterwards obtained a charter from King James II., which bears date the 1st day of October, in the fourth year of his reign. This charter, after the usual recital in the charters of James II., of a forfeiture of former privileges by a judgment of the Court of Exchequer in Ireland, contained a grant of a new incorporation of all the inhabitants within the ancient limits of the borough, and directed that the corporation should consist of one sovereign, two bailiffs, 12 burgesses, exclusive of the sovereign and bailiffs; that the sovereign and bailiffs should be annually chosen by the sovereign in office, bailiffs, and burgesses, out of the body of the burgesses; that the burgesses should be elected from the inhabitants; and that the sovereign, bailiffs, burgesses, and commonalty should return two Members to serve in Parliament for the borough. It contained a grant of a court, to be held before the sovereign and bailiffs, for all pleas within the borough, without limit in amount of claim; and of tolls and customs, for the repairs of the borough, and of all lands theretofore held by the corporation. It authorized the appointment of a recorder and town clerk, but directed that they should not act until approved of by the chief governor; and reserved to the chief governor and privy council the power of removing any of the officers of the corporation.

PHILIPSTOWN.

It was not stated under what charter the corporation acted. I apprehend it was under that of Elizabeth, the charter of James being founded on an erroneous judgment.

Corporation, constituent Parts of.

4. The Corporation consisted of one burgomaster, two bailiffs, 12 burgesses, and an unlimited number of freemen.

Freemen.

5. It was stated by a very old man, that upwards of 80 years ago, there were a great number of freemen, and that birth and servitude, prior to that time, conferred an inchoate right to freedom. He further stated, that about that period, the then Lord Belvidere purchased the borough, and that from the date of such purchase, no person was admitted as of right. He said that Lord Belvidere kept the corporation close, so that, the old freemen dying off, the corporation became limited to a few non-residents, whom Lord Belvidere had admitted to be free, and with whom he was in the habit of coming to Philipstown on every 29th of September, for the purpose of appointing corporate officers.

The corporation having altogether ceased to exist for 33 years, and having long before then been of no importance to the community, I was unable to ascertain how or by whom the freemen and other classes were elected, further than that the control of Lord Belvidere being unlimited, no person could be elected to any office without his approbation and consent.

It did not appear that the burgomaster or any other officer held any court or performed any functions for 20 years prior to the extinction of the corporation.

No books or documents belonging to the body were produced, nor is it known that any such are in existence.

I could not discover that there had ever been any corporate police or prison; and it was stated that, within the memory of man, the magisterial duties within the borough have been performed by county justices.

Police.

6. The number of the County Constabulary here varies from 7 to 16. They act under county magistrates.

Prison.

7. The County Gaol was formerly in the town, but it has been removed to Tullamore, a distance of about eight miles.

Sessions.

8. There is no Borough Court. Petty Sessions are held every second Thursday before county justices, and quarter sessions four times a year.

Public Charities.

9. The Charitable Establishments in the district are: a school, under the board of Erasmus Smith, for boys, returned as educating 66 scholars, 30 Protestants and 36 Roman Catholics;

A girls' school, under the London Hibernian Society; and

A large dispensary, supported by voluntary subscription, and presentment in the usual way.

Markets and Fairs.

10. There is a large and improving Market in the town on Thursday in each week.

There are seven Fairs, four of which are termed the "New Fairs," having been instituted about 1820. These are held in a part of the town called Molesworth-street.

In three or four years after their establishment, toll was demanded at these fairs; it was ultimately given up, and has not been collected for the last three years.

It appears that by patent bearing date the 21st February 1670, (enrolled P. 23 Car. II. p. 1. m. 8. d.) power was granted to John Bysse, Esq. to hold fairs at Philipstown on the 17th March and 22d November, and the day after each, and to take tolls and customs at those fairs.

Tolls and Customs and Cranage.

11. With respect to the Cranage and the Tolls and Customs of the other fairs, and of the market, it appeared, that Lady Lanesborough, by indenture bearing date the 25th June 1816, demised the tolls, cranage, and customs of Philipstown to Thomas Geraghty, for three lives, at a rent of £10 a-year, that Thomas Geraghty, by a writing bearing date the 31st of March 1826, reciting his lease of 1816, deputed Edward Dyer to be his craner, and that Dyer, although not sworn, set up a crane, and continues to hold it to the present time, and claims to be sole craner, and has summoned, and procured to be convicted, persons for setting up a crane and weighing for hire.

Tolls and customs are not now collected on market days, but are taken at the three ancient fairs.

The schedule in use at present differs materially from that given by the charter of Elizabeth, and is as follows:

	d.
For cows and heifers	4
Yearling calves	2
Sheep and lambs	1
Horses	4
Pigs	3
Covered standings	6
Any other	4
Brogue	5
Any car going in with goods for sale	6½
Any hawkers and dealers	5

Neither the authority for such charges, nor the title of Lady Lanesborough to tolls, were stated to me.

The collectors are, to the present day, in the habit of swearing persons as to whether or not they had sold at the fairs.

Cranage is collected at fairs and markets; the charge is 1*d.* per sack of eight stone and upwards, and ½*d.* for any sack under that weight.

12. There were Commons attached to this corporation, consisting, it is stated, of 350 acres or thereabouts, adjacent to the town. When the freemen and burgesses were numerous, these lands were divided amongst them in lots to hold for life; and it would seem that after the purchase of the borough by Lord Belvidere, the neighbouring landlords, as the freemen and burgesses who held the lots died off, (there being no persons elected to succeed them,) encroached upon the commons until merely one acre remained, as it still remains, unenclosed. Commons.

Lord Lanesborough, the heir of Lord Belvidere, Mr. Bagott, Mr. Sherlock of Sherlockstown, Lord Ponsonby, and Mr. Gore are stated to be possessed of portions of the corporation commons, but they have been in possession for many years. A Mr. Thomas Whitefield stated that he held some land from Lord Belvidere which formerly constituted three burgesses' lots, and he named other persons who also held ground that had belonged to the corporation.

13. The 3, 4 Phil. and Mary, c. 2, "for the disposition of Leix and Offaily," and by which the name of Philipstown is given to the New Fort in Offaily, and the district called Offaily erected into the King's County; and the Act of 2, 3 Will. IV. c. 60, hereinafter mentioned, are the only Local Acts of Parliament relating to this borough. Local Acts.

The streets are repaired by county presentment.

The population of Philipstown, according to the returns of 1831, were then, STATISTICAL DETAILS.

Males	684
Females	770
Total	1,454
Occupations:	
Families chiefly employed in agriculture	96
Ditto chiefly employed in trade, manufacture, and handicraft	97
All other families not occupied in the two preceding classes	75
Agriculture:	
Occupiers employing labourers	5
Ditto not employing labourers	18
Labourers employed in agriculture	102
Employed in retail trade and handicraft as masters or workmen	121
Capitalists, &c.	46
Labourers employed in labour not agricultural	9
Houses,	
Inhabited	256
Uninhabited	9
Building	4
Families	268

By the Act of the 2, 3 Will. IV. c. 60, the assizes for the King's County are, after 1st July 1835, to be held at Tullamore instead of Philipstown, where they have been heretofore held. This change is likely to have a prejudicial effect upon Philipstown. GENERAL REMARKS.

The town is not at present in a prosperous condition, although the markets are good, and although the town is situate near the Grand Canal from Dublin to the west of Ireland, and thereby possesses the benefit of a water communication with the capital.

There is no manufactory in the town. It is not lighted.

HENRY BALDWIN.

Inquiry held the 24th September 1833.

REPORT

ON

THE BOROUGH OF PORTARLINGTON.

CONTENTS.

	Page
Limits	245
Grants of the Town Lands	245
Charter	245
Manor	245
Title	246
Constitution	246
Officers	246
Sovereign	246
Bailiffs	247
Burgesses	247
Freemen	247
Recorder and Serjeant at Mace	248
Fees	248
Ruling Body	248
Manorial Lands and their Possessors	248
Manorial Rights	248
Jurisdiction	249
Portarlington Manor Courts	249
Quarter Sessions Court	249
Petty Sessions Court	249
Police, Streets, &c.	249
Prison	250
Public Charities	250
Earl Galway's Grant	250
Schools	250
Fines	250
Property, landed	250
Grant from Lord Arlington to the Corporation	250
Lease from the Corporation to James L. Higgins	251
Grant from same to Earl of Portarlington	251
Bill to impeach the latter	252
Freemen's Rights to Commonage	252
Fair Green	252
Bog	252
Income	253
Market House	253
Fairs and Markets	253
Tolls and Customs	253
Cranage, Weights and Measures	253
Patronage	253
Acts of Parliament	253
Statistical Details	253
General Observations	253
Documents sent	254

BOROUGH OF PORTARLINGTON.

1. THE Town of Portarlington is situate on the Barrow, where that river separates the King's and Queen's Counties, and the portion of the borough which lies upon the left bank is in the King's, and that on the right bank in the Queen's County. LIMITS.

The Charter of Portarlington directs that the borough "shall extend into the King's and Queen's Counties in every direction, from the pass over the river Barrow, commonly called Bellatride, near Cooltederry *alias* Portarlington, 100 acres of Irish plantation measure in the whole." It extends, on the north, to the commons' drain near Derravilla; on the east, to Old Brackland Bridge; (Queen's County;) on the south, the boundary runs along the exterior mearing of Drughill to the Barrow; and on the west, it reaches to Butlersford. (King's County.) The bridge of Portarlington stands over the pass of Bellatride, and the limits are about the charter distance from it. These limits have, so far as regards the representation in Parliament, been altered by the Act of 2, 3 Will. IV. c. 89. In some points the new boundaries extend beyond the old, but, upon the whole, they are more circumscribed. They include the entire town as built upon, and a small surrounding district. Being adapted to the present position of the town, they would seem to be preferable to the ancient ones, as limits of the borough and its municipal jurisdiction. Boundary Act.

2. The ancient Name of the Land on which the Queen's County portion of the town is built, is "Cooltetoodera," or "Cooltederry." Early in the seventeenth century, Terence O'Dempsey was seised of Cooltetoodera, in the Queen's, and of Kilmalogue, in the King's County, by virtue of letters patent of King James I., bearing date the 15th of June in the sixteenth year of his reign. (1618.) Terence O'Dempsey was subsequently created Viscount Clanmalira, and hence the lands comprised in the patent of James have been frequently described as the "territory of Clanmalira." This territory, including Cooltetoodera and Kilmalogue, descended to Lewis Lord Clanmalira, as tenant in tail, and becoming forfeited by his being attainted of treason in the year 1641, was granted by letters patent bearing date the 5th of November, 14 Charles II., to Sir Henry Bennett, Knight, afterwards Lord Arlington; and it was subsequently awarded to Lord Arlington by the trustees of forfeited estates. Town Lands, ancient Names of. Terence O'Dempsey seised of. Forfeited by Lewis Lord Clanmalira, and granted to Lord Arlington.

The 78th section of the Act of Explanation (17, 18 Car. II. c. 2.) relates to these lands. After stating that Lewis Viscount Clanmalira had been but tenant in tail, and had exhibited his claim as such to the trustees of forfeited estates, and that Lord Arlington claimed the reversion in fee, by virtue of the patent of 5th November, 14 Charles II., and stating that it was doubtful whether the estate tail was not extinct, Lord Clanmalira's claim of innocence not being allowed, to obviate the doubt, the section enabled Lord Arlington immediately to enter upon and possess the lands whereof Lewis Lord Clanmalira was seised on the 22d of October 1641, as fully as if the estate tail had been spent or expired, and provided for the remuneration of the adventurers and soldiers who should be removed off the lands for the purpose of giving complete possession to Lord Arlington. Lord A. also obtained a second Patent of these lands, bearing date the 27th of July, in the eighteenth year of Charles II. Act of Explanation, 17, 18 Charles II. c. 2. Patent 27th July, 18 Charles II.

By the last section of the Act of Explanation, a power was given to the Lord Lieutenant and Council of Ireland, "to direct in the passing of all letters patent how new and proper Names, more suitable to the English tongue, might be inserted, with an *alias*, for all towns, lands, and places, and that such new names should thereafter be the only names to be used." Under the provision of this clause, Cooltetoodera received from the Lord Lieutenant and Council "the *alias*" of Portarlington; but Sir Henry Petty's survey having been made before this name was bestowed, the lands are still called by their ancient name in the quit-rent and county books. New Names.

3. This borough was incorporated in the year 1667, by King Charles II., by a Charter which bears date the 3d day of August, in the nineteenth year of his reign, enrolled in Chancery. (Rot. Pat. 19 Car. II. p. 5. m. 5. d.) CHARTER.

This charter, (the only one relating to Portarlington,) after stating the adjudication of the lands, forfeited by Lewis Lord Viscount Clanmalira, to Henry Lord Arlington and his heirs for ever, reciting the patent of the 27th day of July, in the eighteenth year of the King, (Charles II.,) to Lord Arlington, and stating that he had expressed a desire that the lands should be planted with English, proceeded to erect certain of these lands, which lay in the King's County, into a manor, to be called "The Manor of Charlestown;" and further ordained that the lands of Cooltetoodera *alias* Portarlington, and other lands therein named, all in the barony of Portnahinch and Queen's County, and the Clonrorke *alias* Portarlington woods, and other lands in the barony of Philipstown, in the King's County, "should be one entire manor, to be called and known by the name of the Manor of Portarlington." It gave to Lord Arlington, his heirs and assigns, power to hold a Court Leet and view of frankpledge within the manor, before a seneschal to be appointed by him or them, to inquire into "all felonies, trespasses, deceipts, nuisances, and other offences and matters arising within the manor;" and also, to hold a Recitals in. Provisions of. Creation of the Manors of Charlestown, and of Portarlington. Courts of latter. Court Leet.

PORTARLINGTON.

court in the nature of a Court Baron, before a seneschal to be appointed as aforesaid, with power to hold pleas "in all actions of debt, covenant, trespass, account, contract, and detinue, and all other causes and matters whatsoever arising within the said manor, wherein the debt or damages exceed not the sum of 40*s.*;" and also to hold "a law day, or a Court of Record," before the seneschal, "of pleas of all manner of actions of debt, detinue, trespass, replevin, withernam, second deliverance, and all other personal and mixed actions within the manor, wherein the debt or damages shall not exceed the value of £200 sterling." It conferred upon Lord Arlington, his heirs and assigns, the power of appointing officers to execute the process of these courts, to erect a Prison for the manor, and to appoint a gaoler, and to hold two Fairs in the town of Portarlington; one on every Easter Monday, and the other on the 1st and 2d of October in each year, with a Court of Pie Poudre for the fairs; "and also power to receive and take reasonable Toll, and all privileges and immunities to such fairs and courts belonging."

Court Baron, Jurisdiction 40*s.*

Court of Record, Jurisdiction £200.

Prison.

Fairs.

Tolls.

Creation of the Borough.

After conferring similar privileges on Lord Arlington, his heirs and assigns, in respect of the manor of Charlestown, the charter proceeds to the Creation of the Borough. It states, "to the end that the manor of Portarlington may be more speedily planted, that the town, and such proportion of the lands of the manor of Portarlington, in the King's and Queen's Counties," as are contained within the limits above mentioned, "shall from thenceforth for ever be a free borough, and that in the said town and borough there shall be a body politic and corporate, consisting of one sovereign, two portreeves or bailiffs, and twelve burgesses, to continue in succession for ever." It prescribes the mode of election of officers, and of admission of freemen; it empowers the sovereign, with the consent of the bailiffs and burgesses for the time being, or of the majority of them, during his absence, to appoint as deputy some discreet and substantial person, being one of the burgesses inhabiting the borough, and appoints the sovereign, or deputy, a justice of the peace and coroner within the district, and the sovereign and bailiffs to be respectively mayor and constables of the staple for the year next after their year of office. And it enabled the borough, by the majority of the sovereign, bailiffs, burgesses, and freemen, to elect two Members to represent it in Parliament; a privilege which, by the Act of Union, was reduced to one.

Corporation, constituent Parts of.

Principal Provisions of Charter.

It ordains "that the sovereign, bailiffs, burgesses, and freemen, and all the inhabitants of the town and borough, and their successors for ever, shall do suit and service to the manor of Portarlington, and plead and be impleaded in the Court Leet, Court Baron, and Court of Record of this manor."

Recorder and Town Clerk.

It empowered Lord Arlington, his heirs and assigns, to nominate "some discreet person learned in the law" to be Recorder and Town Clerk during pleasure, with like jurisdiction as the recorder and town clerk of the borough of Lanesborough; and it constituted the recorder a justice of the peace within the town and precincts: and it further empowered Lord Arlington to hold a Market on Wednesday in each week within the town, and to appoint a clerk of the market.

Market.

Title.

4. The Title given by the charter to the corporation, is that of "The Sovereign, Bailiffs, and Burgesses of the Borough and Town of Portarlington."

Constitution.

5. The corporation consists of,
One Sovereign,
Two Bailiffs,
Twelve Burgesses, and
Freemen without restriction as to number.

Officers.

6. And the Officers, in addition to those above mentioned, are,
One Recorder, and
One Serjeant at Mace.

Sovereign, how elected,

The charter directs, "that the office of Sovereign shall be annual, and that the sovereign, bailiffs, and burgesses, shall have free election of the sovereign and bailiffs out of the burgesses."

The sovereign is accordingly elected annually on the first Monday after the feast of Saint John the Baptist, (the charter day,) in and by an assembly consisting of the sovereign, and bailiffs in office, and burgesses. In practice, the presence of no certain number of electors is required. In 1832 there were but six present, and in 1833 only the same number attended. No qualification is deemed necessary for the office, except that of being a burgess. The person elected is sworn, and commences to act on the first Monday after the 29th of September following his election.

May be re-elected.

It is considered by the corporate officers, that a person may be re-elected and act as sovereign for successive years; and, indeed, the same individual has been constantly the acting sovereign for the last 20 years, with the exception of a single year, from Michaelmas 1828 to Michaelmas 1829. In form, however, he has been only Deputy every alternate year; and, when there is a deputy, an approval of the appointment is entered in the corporation book, and subscribed to by a majority of the burgesses.

Deputy.

Sovereign is the Nominee of the Patron.

While the mode of election prescribed by charter is thus, in appearance, to a certain extent observed, the office of Sovereign, as well as every other in the body, is filled at the nomination of "the Patron," the Earl of Portarlington.

Functions of.

The sovereign is a justice of the peace within the borough, and performs the ordinary duties of a magistrate at petty sessions, and in the general regulation of the town.

He does not act as coroner or mayor of the staple.

The lord of the manor does not appoint any clerk of the market, and the market is regulated

by the sovereign, who also corrects the weights and measures, and seizes unwholesome food exposed for sale.

He regulates the assize of bread on every Monday. He presides at all corporate assemblies, and is returning officer at elections of a Member to serve in Parliament.

Until the last general election his duty, in this respect, was merely formal, as up to that time there had not been a contest for 50 years.

Salary. The sovereign has no fixed Salary. He receives for the corporation a rent of £60 late Irish currency a-year reserved out of the lands of Drughill, out of which he pays their salaries to the bailiffs and recorder, and some incidental expenses, and retains the residue, generally upwards of £30 per annum, for his own use.

Emoluments. He has also, on two or three occasions, received £1 for affixing the corporation seal to documents to be used in foreign countries.

He has no other incidental emolument.

Bailiffs, how elected. The Bailiffs (who are also styled "portreeves" in the charter) are elected in the same manner and on the same day as the sovereign, to serve for one year, but they are generally continued in office. In practice, they are elected from the freemen, although the charter directs that they should be chosen out of the number of the burgesses.

Functions. They are always resident, and perform no duty beyond that of occasionally assisting the sovereign in the regulation of the town, and of attending corporate meetings. They never act as constables of the staple after having filled the office of bailiffs.

Salary. They receive a Salary of £2 a-year each, paid by the sovereign out of the rent of Drughill, and have no incidental emoluments.

Burgesses, how elected. Burgesses are elected for life by the same persons, and in the same manner, as the sovereign and bailiffs. The only direction in the charter as to the mode of their election is, that the sovereign, bailiffs, and burgesses "shall have free election of the burgesses, and all other the officers and ministers, (except the sovereign and bailiffs,) out of the body of the freemen and inhabitants of the town and borough, according to the practice of the corporation of Lanesborough."

Qualification. Inhabitancy, however, since the passing of the Act of the 21 Geo. II. c. 10, has not been required, and the Qualification of being a freeman is always supplied at the moment, by the proposed burgess being first elected a freeman, and immediately afterwards, and in the same assembly, a burgess. The number of 12 burgesses, exclusive of the sovereign, is constantly kept up. Of the present 12, only two are resident within the limits of the borough. The sovereign is resident.

List of Burgesses. The following is a List of the present Burgesses, including the sovereign, with the dates of their admissions, as far as they could be ascertained:

1. William Dawson, Esq., date of admission unknown - non-resident.
2. General Archdale, admitted 1802 - same.
3. Jonathan D. Clarke, Esq., (recorder,) October 1795 - same.
4. Lord Portarlington, 6th October 1800 - same.
5. Sir Henry Parnell, Bart., 30th December 1802 - same.
6. James Jocelyn, Esq., 30th December 1802 - same.
7. Rev. James Stannus, 29th June 1812 - same.
8. Rev. Richard Clarke, (sovereign,) 29th June 1812 - resident.
9. The Honourable Lionel Dawson, 28th June 1813 - non-resident.
10. Thomas Stannus, Esq., 1st October 1821 - resident.
11. The Honourable John Lionel Dawson, 4th October 1824 non-resident.
12. James Deane, Esq., 6th August 1830 - same.
13. Joseph Hart, Esq., 25th June 1832 - resident.

General Archdale, J. D. Clarke, Lord Portarlington, and James Deane have residences within seven statute miles of the town. Four of the burgesses are related to Lord Portarlington, and a fifth (J. D. Clarke, Esq.) is his land agent.

Functions of. Burgesses have now no Functions to perform, except those which they exercise in the election of officers and admission of freemen, at the nomination of the patron.

Privileges of. They have at present no Privileges. They formerly enjoyed a right of grazing their cattle on the commons belonging to the corporation.

Freemen, how admitted. 7. The charter confers upon the sovereign, bailiffs, and burgesses the power of admitting "such and so many persons, as they shall please, to be Freemen of the town and borough; such person or persons so to be admitted taking the usual oath of a freeman, and paying 5*s.* for his and their admission unto the sovereign and burgesses, to and for the use and benefit of the borough."

Admissions, very few. This power has been exercised in admissions without any qualification, and to the total exclusion of inhabitants. Admissions are for life. Of latter years they have been very rare, and it seems to have been the uniform policy of the Dawson (Lord Portarlington's) family, from the commencement of their connexion with the borough, to restrict, as much as possible, the number of freemen.

Number of, at present. There is, at present, only one freeman, exclusive of the bailiffs and burgesses. This gentleman was a burgess, but on the 29th of February 1816 resigned, as such, continuing as a freeman of the corporation, and he has since registered as such under the Reform Act.

Greatest Number within 20 years. The greatest Number of freemen, at any one period within the last 20 years, was four; of whom, two filled the office of bailiffs; in fact, it was acknowledged by the corporation, that for

PORTARLINGTON.

the last 35 years no person has been admitted free, except for the purpose of enabling him to fill an office which should be supplied from the freemen. This class, therefore, although it has continued to exist in one or two individuals, has long been virtually extinct.

Applications for Admission in 1830 and 1832.

In 1830, several residents attempted to procure their freedom as matter of right; some on the ground of servitude within the town, others as being the sons of freemen. None were, however, admitted. A subsequent attempt was made in 1832, and was equally unsuccessful. The corporation do not recognise any inchoate right to freedom. No attempt to obtain the freedom of this borough has been made under the "New Rules."

Charter Fee not paid.

Stamps, how paid.

The sum of 5s. payable on admission, "for the use of the borough," has not, within the recollection of any living person, been paid or demanded. The admissions were not on stamps. This fact was recently discovered, and the corporation being apprized of the necessity of their being so, they procured them to be stamped in the corporation book, and Lord Portarlington's agent paid for the stamping of all admissions since 1777, and stated that he intended to charge his Lordship with the amount.

One Roman Catholic Freeman.

Since the relaxation of the penal laws with respect to corporations, by the 33 Geo. III. c. 21, there has been only one Roman Catholic admitted to this body. He was a freeman, and his admission bears date the 30th of September 1793. He is dead, and there is no Roman Catholic or Protestant Dissenter now belonging to it.

Privileges.

The only Privilege at present to be enjoyed by a freeman, is that of voting at elections of a Member of Parliament; and this is, by the Reform Act, confined to registered freemen, resident within seven statute miles of the town, and as to honorary freemen, to those admitted before the 30th March 1831. Previously to the Reform Act non-residents also voted.

Prior to 1802, freemen enjoyed the use of the commons belonging to the borough. By the corporate officers it was stated, that they did so merely by the sufferance of the burgesses; while the inhabitants insisted that it was a matter of right, over which no other portion of the corporation possessed any control.

Duties.

Freemen perform no Duties.

Recorder, how appointed.

The Recorder is appointed, during pleasure, by Lord Portarlington, who claims the right of appointment as assignee of the charter rights and privileges of Lord Arlington.

Duties of.

The present recorder was appointed by Lord Portarlington in the year 1795. He is a barrister, and non-resident, and performs no Duty beyond that of advising the corporation, when called upon. He is by charter a justice of the peace, within the district, but he does not act as such.

Salary.

He receives a Salary of £10 late Irish currency a-year, out of the rent of Drughill.

Serjeant at Mace.

The Serjeant at Mace is nominated by the sovereign. The right of appointing him and all other inferior officers is, by charter, conferred on the sovereign, bailiffs, and burgesses.

Duty of.

The only Duty he performs is that of bearing the mace at the two annual meetings of the corporation, held on the first Mondays after the 24th of June and after the 29th of September; and he has no emolument beyond a gratuity of a few shillings which he receives from the sovereign on each of these occasions.

Fees.

8. There are no Fees paid on admission to freedom, or election to any office in this corporation.

Ruling Body.

9. There is no common council, or other select body; the charter vests the power of making bye-laws on the sovereign, bailiffs, and burgesses.

Charter excludes Freemen from Power.

Privileges to Lord of Manor.

The Charter, although granted expressly to encourage inhabitation, does not confer upon freemen or inhabitants any participation in the government of the town, which it commits exclusively to the sovereign, bailiffs, and burgesses. It also confers upon the Lord of the Manor, Powers and Privileges connected with the corporation, which appear to be incompatible with the existence of that body as a free institution. The circumstance of this connexion between the manor and the corporation seems to render it necessary to trace the Manorial Lands through their different possessors, from Lord Arlington to the present patron.

Manorial Lands.

Lord Arlington sold to Sir Patrick Trant.

Sir Patrick forfeited.

10. Lord Arlington, on obtaining the charter, erected the town, and afterwards sold it, and all his other charter lands, (except what he had previously granted to the corporation, as will presently appear,) together with his manorial rights, to Sir Patrick Trant, of the county of Kildare. It appears by an inquisition taken at Maryborough, in the Queen's County, on the 15th of March, in the seventh year of William III., that Sir Patrick was attainted of treason on the 3d of April, in the third year of William III.; and thus the lands conveyed to him by Lord Arlington were a second time forfeited to the Crown. By Letters Patent bearing date the 26th of June 1696, these lands were granted by King William to the Baron de Rouvigny, whom he created Earl of Galway; and Lord Galway established in Portarlington a colony of Huguenots, to whom he executed leases for lives, renewable for ever, of houses and plots in the town. The grant to Lord Galway was subsequently declared void by an Act of the English Parliament, passed in the eleventh and twelfth year of William III., (1699,) and the lands comprised in the grant to Lord Arlington (except the portion of them which he had given to the corporation) were vested in trustees, to be sold for the use of the Crown. Lord Galway, however, had interest sufficient to procure a Confirmation of the Leases which he had executed to his followers, (64 to French and Dutch, and five to English settlers,) by a private Act of Parliament, of the first year of Queen Anne; and the lands subject to these leases were sold, and, on the 10th of June 1703, conveyed to the "Hollow Sword Blade Company." The company did not long retain their purchase, and in the year 1709 assigned all their interest therein to Ephraim Dawson. From him the lands descended to his son William

Patent, 26th June 1696, to Earl Galway.

Declared void by 11, 12 Will. III.

1 Anne, June 10 1703, Sale by Trustees to Sword Company.

1709, by them to Ephraim Dawson.

Henry Dawson, afterwards Viscount Carlow, the father of the present Earl of Portarlington, on whom they devolved on the death of Lord Carlow. Residing in the neighbourhood of the town, and becoming proprietors of the manorial lands, the Dawson family experienced little difficulty in acquiring a predominating influence in the corporation. This influence they successfully exercised in restricting admissions to freedom, and in supplying vacancies in the number of burgesses, with their own adherents, until the control of the family was completely established; and by the same means it has been maintained to the present time. Influence of the Dawson Family.

11. The patron also exercises several of the Manorial Rights, granted by charter to Lord Arlington, his heirs and assigns. His title to do so is questioned by many of the inhabitants. They contend that the manorial rights are not appurtenant to the manor lands, but were personal privileges conferred upon Lord Arlington, his heirs and *assigns;* that from his lordship they passed by assignment to Sir Patrick Trant, and upon his attainder, and consequent forfeiture, vested in the Crown, and have not been regranted by it. They state that no mention is made of these rights in the inquisition and finding at Maryborough; that nothing more could be sold by the trustees than was comprised in that finding; and that, consequently, the lands, without the manorial rights, passed by the conveyance from the trustees to the Sword Blade Company, and from the company to Ephraim Dawson. Manorial Rights questioned.

The latter certainly purports to convey the manorial rights. It is registered, and from the memorial it appears, that by deeds of lease and release bearing date, respectively, the 21st and 22d days of June 1709, and made between the Governor and Company for making Hollow Sword Blades in England, of the one part, and Ephraim Dawson, Esq., of the other part; the governor and company conveyed to Ephraim Dawson, for ever, "all that their manor and lordship of Portarlington, with all courts, royalties, dues, duties, services, jurisdictions, rights, members, and appurtenances thereunto belonging, together with all rights, dues, customs, tolls, payments, and other advantages of the several fairs and markets of the said town of Portarlington, and also all their right and title to the grazing 20 collops on the commons of Portarlington." Conveyance of 1709.

It is observable, too, that the exercise of the manorial rights by the Dawson family, from the date of their purchase to this time, has never been legally resisted, nor the question put in a train of legal investigation.

Although the charter empowered the sovereign, bailiffs, and burgesses to make Bye-laws "to bind all the inhabitants of the borough," the officers of the corporation were not aware of this privilege having been ever exercised, and they were unable to refer to any bye-law in their books. Bye-laws.

12. There has never been any Court, criminal or civil, belonging to or under the control of the corporation. The borough is situate within the manor of Portarlington, and, as already mentioned, "the sovereign, bailiffs, burgesses, and freemen, and all inhabitants, and their successors for ever," were "to do suit and service in that Manor," and to plead and be impleaded in its Courts. Jurisdiction. No Borough Court. Manor Courts.

The Seneschal of the Manor Courts is appointed by the Earl of Portarlington, during pleasure. The deputation to the present seneschal bears date the 22d of March 1818. He is a practising attorney and solicitor, and is also seneschal of the manor of Charlestown. The jurisdiction of the Court Baron is limited by charter to 40*s.*; that of the "law court, or Court of Record," to £200 late Irish currency. The seneschal stated that he had never held the Court of Record, but he has entertained claims by civil bill, and made decrees for £14 and upwards, apparently acting under the general Manor Court Acts, by which the process and Fees of his court are regulated. The seneschal has no salary, nor any emoluments beyond the statutable fees. Seneschal, how appointed. Fees, how regulated.

The jurisdiction not being now exclusive, this Court has fallen into disuse. In the year 1831, it sat twice; namely, on the 7th of January and 6th of October. On the latter occasion seven cases were tried, and no court had been subsequently held up to the 24th of September 1833, the day on which our investigation terminated at Portarlington. The public did not complain of this circumstance, and are not anxious for the continuance of this court. They prefer resorting to the civil bill jurisdiction of the quarter sessions. Courts disused.

There are, however, no Quarter Sessions held in Portarlington; the assistant barrister sits twice a year in Maryborough, (distant nine miles,) and twice a year at Stradbally, (distant nine miles,) for the division in which that portion of the borough which belongs to the Queen's County is situate. The inhabitants of the part of the borough which lies in the King's County are within the Philipstown division for quarter sessions, where they are held four times a year, and it is distant from Portarlington about 11 miles. It would result greatly to the benefit of the town to have quarter sessions held in it for the entire borough, without distinction as to the counties in which the portions of it lie. Quarter Sessions.

The circumstance of the borough extending into different counties, and being subject to different Jurisdictions, produces inconvenience and confusion in the administration of the law. Jurisdiction inconvenient.

13. There is no Police under the control of the corporation. From 8 to 10 of the county constabulary are stationed here, and they patrol and maintain the peace of the district. This number has, in general, been found sufficient; but occasions have arisen where a greater force has been required. Police.

The Streets are repaired by county presentment as portions of the county roads. Where they are paved or flagged, it is done by private subscription amongst the inhabitants. They are not lighted, and no attempt has been made to introduce the provisions of the 9 Geo. IV. Streets.

c. 82, for the purpose. The town is abundantly supplied with water. There are three public pumps, which are kept in repair by private subscription.

PORTARLINGTON.

Prison.

14. There is at present no Prison within the limits of the borough, except a small and unwholesome place called the "Black Hole," used as a place of temporary confinement. There was formerly a bridewell, but it was condemned by the inspectors of prisons; and prisoners from the district are sent either to the gaol of Maryborough, (9 miles,) or of Tullamore, (14 miles distant,) according as the offence is committed within the Queen's or King's County. Great inconvenience is experienced from the want of a local prison. The "Black Hole" is not suited for a place even of a temporary confinement.

Public Charities.

15. There is no Public Charity under the superintendence of the corporation.

Poor Association.

Dispensary.

There are in the town an Association for the relief of the poor, supported by voluntary contributions, but with means very limited, and a Dispensary maintained by private subscriptions and grand jury presentment.

Earl Galway's Churches and Schools.

The Earl of Galway, prior to 1703, erected two churches and established two schools, one church and school for the use of English Protestant inhabitants, and the other church and school for French Protestant settlers; and both schools "for the education of the children of such native Irish as would suffer them to be instructed and brought up in the Protestant religion;" and he granted an annuity of £112 of the then Irish currency, charged on the manor lands of Charlestown, for the salaries of the officiating clergymen and schoolmaster; £40 per annum for each of the clergymen, £20 for the master of the English, and £12 for the master of the French school. These churches and schools, with the plots attached to them, were not sold to the Sword Blade Company; and by the private Act of Parliament of 1 Anne, the trustees of forfeited estates were empowered to convey them, together with the annuity or rent charge of £112 per annum, to the Bishop of Kildare and his successors, which the trustees accordingly did by indenture, bearing date the 24th of September in the 1st of Queen Anne. They secured the £112 per annum by conveying to the bishop and his successors a rent of £100 a-year, reserved on a lease of certain lands in the manor of Charlestown, bearing date the 6th of September, 1698, and of £20 a-year on a lease of other lands, dated the 17th of the same month, both subject to a quit-rent to the Crown of £8 per annum; the profit rent of £112 to be applied for ever amongst the clergymen and schoolmasters in the proportions already mentioned. The churches were repaired by private subscription in 1810, and the clergymen are still in receipt of the £40 a-year Irish currency each, together with an equal annual sum which they each receive out of ecclesiastical lands in the diocese of Kildare. The French school has ceased to exist; and the £12 late Irish currency, payable to its master, is, together with the £20, like currency, for the English master, and the rents of some holdings built on plots belonging to the schools, received by the master of the English school; and the entire has latterly been applied by the present master towards reimbursing himself for money which he advanced in the purchase of a new school house, the old one having fallen into decay. The Schoolmaster is appointed by the Bishop of Kildare; the present master is non-resident, and acts by deputy. It did not appear that gratuitous education was at any time afforded at the schools; and the existing school differs in no respect from any private seminary, except that the master is appointed by the bishop, and receives a salary in addition to the ordinary profits of his establishment.

Annuity of £112.

Trusts of.

1 Anne, 24th Sept. Conveyance to Bishop of Kildare.

£112, how secured.

How to be applied.

Schoolmaster appointed by Bishop.

Other Schools.

There are two Schools for gratuitous instruction, one for boys and the other for girls, supported by voluntary contributions, aided by £10 a-year to each from the Education Society, and one or two other charity schools supported also by contributions aided by small grants from benevolent associations.

Fines.

16. No Fines have been imposed by the corporation on its own members; the sovereign in his magisterial capacity has inflicted some, and the amount has been applied to charitable purposes, according to the directions of the Acts of Parliament under which the fines were imposed.

PROPERTY.

17. There are no Lands now in the Possession of the Corporation.

Lands.

Lord Arlington, very soon after the date of the charter, granted to the sovereign, bailiffs, burgesses, and freemen, and their successors for ever, as a common, *to and for the use of the borough*, the lands then "used in the nature of commons mearing westward with the river Barrow; southward with the land of Mauricetown, and part of Portarlington fields; eastward with the close called Cooper's Close; and north and north-west with the several closes and fields enclosed or set out for the use of the tenants and intended for the building of the borough, (the close within the said commons called Derrymore always excepted,) and also that piece of ground on the north side of the river Barrow, which lies between the enclosure called Biker's Park, and the piece of ground next Killmabegg, and the great Red Bog thereunto adjoining, belonging to the lands of Portarlington, (the island in the said bog called Globe Island always excepted,)" together with a "rent of £8 12*s.* for the use of the sovereign and his successors," out of Drughill, £5 per annum out of Cooltody, and 40*s.* and 20*s.* and 12*s.* out of other lands.

Grant from Lord Arlington.

9th August, 13 Will. III. Petition to Trustees of Forfeited Estates.

On the 9th of August, in the thirteenth year of William III., (1700,) the sovereign and burgesses, probably to obviate any doubt which might exist as to their title to the lands, of which they were possessed under the above grant, in consequence of the Act of 11 and 12 William III., presented their petition to the Trustees of Forfeited Estates, describing the grant as above, stating that it was made by a deed which was then mislaid, but that there was an entry to the above effect in their books, dated the 12th January 1676, and praying for the judgment of the trustees upon their claim; and it being heard before the trustees, they, on

1701, March 3d, Decree.

the 3d of March 1701, decreed in favour of the corporation, and allowed their claim. It is remarkable that the lands of Biker's Park, otherwise Drug Hill, do not appear to be comprised in the petition, although they also were said to have been granted by Lord Arlington to the corporation for the use of the borough. It is further observable, that by the deeds of 1709, "the town and lands of Droughill *alias* Rughill *alias* Biker's Park, Bog Mill, and Mill Close, containing together, by estimation, 12 acres, and all those parcels of land commonly called Ware's Close and Critchley's Close, containing by estimation 24 acres," were conveyed by the Sword Blade Company to Ephraim Dawson. It was, however, stated that up to the year 1784 the corporation continued in the undisturbed enjoyment of their lands, including Biker's Park or Drughill; and on the 4th of October, in that year, the sovereign and burgesses entered into a Resolution respecting Biker's Park and other lands, which appears in their transaction book in the following terms:

Biker's Park.

1784, October 4th, Resolution of.

"Borough of Portarlington, Monday, 4th October 1784.

"In pursuance of a notice posted upon the tholsel of said borough by Robert Sherwood, macebearer, on the 27th of September last past, signed by James Stannus, Esq., sovereign, of which the said Robert Sherwood made oath, that the lands of Biker's Park otherwise Drughill, the Old Bog Mill Meadow, Crutchley's Close, and Ware's Close, would be set on the 4th day of October then next,—the above-named sovereign, bailiffs, and burgesses have agreed to grant a term of 700 years to James Lewis Higgins, Esq., of said lands, with the appurtenances, at the yearly rent of 5*s*. sterling, for the term of four years from the 1st day of May last, and the yearly rent of £60 sterling, payable half-yearly, for the residue of said term," which resolution appears to be signed as follows:

Signatures.

"James Stannus, sovereign.
"Jonathan Clarke, recorder and burgess.
"James Osborne.
"John Geoghegan.
"Carlow.
"William Dawson.
"Frederick Trench.
"James Bambrick.
"John Damer.
"Thomas Stannus."

1784, October 4th, Conveyance.

Pursuant to this resolution a lease was executed, bearing date the 4th of October 1784, expressed to be made between James Stannus, sovereign, "and the subscribing bailiffs and burgesses" of the first part, James Lewis Higgins of the second part, and the Right Honourable John Lord Viscount Carlow of the third part, of Biker's Park otherwise Drughill, therein described as containing 166A. 2R. 8P.; the Old Bog Mill land containing 3A. 2R. 23P.; Crutchley's Close as containing 12A. 1R. 21P.; and Weare's Close as containing 21A. 3R. 0P.; in all 204A. 1R. and 12P.; for the term, and at the rents in the resolution mentioned. This Lease was registered a few days after its date, and it appears to have been executed to Higgins merely as a trustee for Lord Carlow, the then patron of the borough; and the Dawson family have ever since paid the rent reserved by the lease. The lease is expressed to be made "with the consent of the said Lord Viscount Carlow."

Lease registered.

Was in Trust for Lord Carlow.

14 acres of Commons enclosed.

A few years afterwards, Lord Carlow enclosed 14 acres of the great Commons, with the consent of the sovereign and burgesses, in lieu, it was stated, of his right of commonage as a burgess.

In 1802, the sovereign, bailiffs, and burgesses were induced to part with their remaining property, (except bog,) which up to that period was in a state of commonage, and the following Resolution was entered on the books:

"Borough of Portarlington, 11th day of February 1802.

1802, Feb. 11th, Resolution of.

"Resolved, that the lands and premises hereafter mentioned, that is to say, all that and those that part of the corporation lands of the town of Portarlington called the 'Great Commons,' containing by estimation 79A. 3R. 17P., bounded, and as in a chart or map No 1, situate, lying, and being in the Queen's County, and also all that and those that part of the said corporation lands of the said town of Portarlington, called the 'Small Commons,' containing by estimation 15A. 0R. 5P., meared and bounded as in a chart or map, situate, lying, and being in the King's County, or by whatever other name or description the said lands and premises or any part formerly were, now are or hereafter shall be known or distinguished, and all commonage and right of commonage, and all rights of turbary in and upon the said lands and premises, or any part thereof, together with all the rights, members, and appurtenances thereunto belonging, or in anywise appertaining, shall be granted and conveyed to Right Honourable John Earl of Portarlington, his heirs and assigns for ever, in consideration of £200 sterling, paid to the said corporation, and also for other considerations; and that a deed of conveyance, grant, or release, shall be executed to the said John Earl of Portarlington;" and this resolution is signed by,

Signatures.

"James Stannus, sovereign.
"Jon. David Clarke, recorder and burgess.
"Edward Geoghegan, } portreeves.
"Richard Clarke, }
"M. Archdall.
"M. Archdall, junior.
"Frederick Trench.
"Thomas Kemmis.
"J. Lewis Higgins.
"Jon. Chetwood.
"Thomas Stannus."

PORTARLINGTON.

1802, Feb. 25th, Conveyance. Registered.

A Conveyance was accordingly executed. It bears date the 25th of February 1802, and purports to be between the sovereign, bailiffs, and burgesses of the one part, and John Earl of Portarlington of the other part, and it was registered on the 22d of March following its date. Neither of the conveyances was produced, and it did not appear whether or not they were under the corporation seal. The description of the parties, grantees, in the deed of 1784, as "the sovereign and the subscribing bailiffs and burgesses," seems rather to import that that essential form was not complied with. The interest of Lord Portarlington, under the lease of 1784, is estimated at £500 a-year, after deducting the rent; and it was stated that the lands comprised in the conveyance of 1802, being adjacent to the town, are worth nearly £300 per annum.

Lord Portarlington's Interest under the Conveyances.

Consideration for Conveyance of 1802, how expended.

The sum of £200, the Consideration for the Conveyance of 1802, was paid to one of the members of the corporation, and was expended in repairing the English church, together with a further sum of £200 afterwards given by Lord Portarlington for the purpose; but the latter £200 formed no part of the purchase money for the lands. It would seem that in both deeds the consideration was inadequate and disproportionate to the value of the property conveyed; and that on both occasions the interest of the borough was sacrificed to that of the patron.

It is impossible at this remote period to ascertain the circumstances connected with the resolution of 1784; but with respect to the more recent one of 1802, although it is represented by the corporation that the enclosure of the commons consequent upon it was beneficial to the town, and that the existence of so much land in a state of commonage was a public nuisance, it is plain that such opinion was not by any means universally entertained, and that the Resolution was not carried into effect without considerable opposition, principally from freemen. It was first resisted in the assembly in which it was ultimately passed, by Colonel D'Acourt, supported by two or three other members of the corporation; and a Bill was afterwards filed in the Court of Chancery, in the name of a freeman, to set aside the Conveyance. The Solicitor who filed it stated, that he was induced to stay further proceedings in the suit by a grant to himself of a Lease of 10 acres of the land in controversy, for three lives and 61 years, at a rent of 1*d.* a-year as long as the lives existed, and a fair rent afterwards during the term of years. The Suit shortly afterwards abated by the death of the plaintiff, and no further proceedings have as yet been taken to impeach the conveyance. Several Leases were produced of portions of the commons granted by Lord Portarlington for lives and years at nominal rents, during the existence of the lives; and it was stated that they were given to purchase the acquiescence of the lessees to the conveyance of 1802. These lessees were generally burgesses or freemen, or persons connected with them; and the remainder of the commons was let by auction in small lots in the year 1804, and rents varying from £7 to £2 10*s.* per acre obtained for them. The £7 rents have been reduced, and the highest now paid for any part of the commons is £5 per acre. Lord Portarlington had, in 1802, only recently attained his majority, and was stated to have been absent from the country when the resolution of that year was passed and the conveyance executed.

Resolution of 1802 opposed.

Bill filed to impeach the Conveyance.

Lease to Plaintiff's Attorney.

Suit abated.

Leases.

Freemen not Parties to the Grants.

It was objected by the inhabitants that no Freemen appear to have subscribed to either of the Resolutions of 1784 or 1802, and that no legal conveyances could be made without their concurrence; the recorder (while, as the land agent of Lord Portarlington, he protested against the Commissioners investigating beyond the nature and management of the income of the corporation, and against their inquiry into the conveyances of 1784 and 1802, and the circumstances attending them, because the interest of Lord Portarlington, deriving under the corporation, was concerned, and refused to give any information on the subject) insisted, that the sovereign, bailiffs, and burgesses, without the freemen, were fully competent, and were the proper parties to grant; and he relied on the passage of the charter enabling the corporation, by its name of "the sovereign, bailiffs, and burgesses, to make, receive, and take all and all manner of gifts, grants, and purchases," as conferring such power.

Freemen's Rights to Commonage.

1792, Resolution of.

It is difficult to ascertain what Privileges the Freemen enjoyed prior to 1802 as connected with the commons. The evidence on the subject is contradictory, as already stated. The corporation deny that they had any right of commonage, and assert that when they used the commons, it was only by the express permission of the burgesses. The inhabitants, on the other hand, allege that freemen enjoyed the commons as a matter of strict right, and wholly independent of the burgesses, and that they frequently sold that right to persons not members of the corporation, and that it was worth £2 or £3 a-year to each freeman. There is an entry in the corporation book, dated 1792, of a petition from the widows of freemen for liberty to graze one cow each upon the commons, and a Resolution permitting them to do so.

Fair Green.

It was alleged that Colonel Armstrong, in the year 1800, obtained possession of, and enclosed about half an acre of ground which had formerly been used as a fair green.

Bog. Right of Turbary. Disputes relative to.

18. Upon the great Red Bog, mentioned in the petition of 1700, the corporation and inhabitants still enjoy a Right of Turbary. This right has, in some instances, been expressly granted in the old leases, and it is constantly exercised in right of inhabitancy, and without any grant. There are, however, frequent contests between Lord Portarlington and the inhabitants, with respect to the claim of the latter to cut turf on some of the bogs in the neighbourhood of the town; and his lordship insists on the cut-away and reclaimed portions of the red bog, and has actually dispossessed persons of parts which they had brought into cultivation. It was stated that in 1829 his lordship had obtained a verdict which established his right to a portion of reclaimed bog then in dispute, but the exact circumstances of the case were not disclosed.

These disputes relative to the bogs have been productive of much bad feeling in the district, and are likely to lead to mischievous results.

The only Income received by the corporation is the £60 late Irish currency, reserved by the lease of 1784 out of the lands of Drughill. It is paid by Lord Portarlington's agent to the sovereign. Its application has been already mentioned, and the sovereign renders no account of it. INCOME.

There is a Tholsel or Market House here. It was erected upwards of a century ago, and some years since was repaired by county presentment. MARKET HOUSE.

19. There are eight annual Fairs, two of which are held under the charters, two others under a patent bearing date the 14th May 1752, (enrolled 25 Geo. II. p. 1. m. 35. d.) granted to William Henry Dawson, Esq., to whom the tolls of these fairs are also granted, and the other four under a patent of more recent date. FAIRS AND MARKETS.

The general Market is held on Wednesday, the charter day, in addition to which there is a meat market on every Saturday. There is neither fair green nor shambles; the fairs and corn markets are held in the streets, and the meat is exposed to sale under the tholsel. Both these circumstances are complained of by the inhabitants.

20. Up to 1832 Tolls and Customs were collected at the fairs and markets by the lessees of Lord Portarlington. In the month of October in that year the collection was resisted, and it has since then been totally discontinued. The tolls and customs were let at rents varying from £40 to £20 per annum, and no toll boards specifying the rates being exposed pursuant to the Act of 57 Geo. III. c. 108, the charges were often arbitrarily made. Threepence per sack was taken on potatoes. Quantities of meal and potatoes were formerly taken as toll out of the sacks. While this system prevailed, little meal was brought to the market, and since it has been discontinued the quantity has greatly increased. The rent of the tolls and customs was generally expended by Lord Portarlington's agent, by the direction of his lordship, in repairing the churches and market house. TOLLS AND CUSTOMS.

21. There is a public Craner whose weights are occasionally proved by the sovereign. He has not obtained any new weights since the passing of the Act of 5 Geo. IV. c. 74; but it was stated that the weights previously in use, have been rendered conformable to the standard. The Weights and Measures in use through the town are also examined by the sovereign, and some defective ones have been seized. More attention might, however, be well bestowed upon them, and it would be followed by beneficial results to the public. CRANER. WEIGHTS AND MEASURES.

22. There is no Patronage, ecclesiastical or lay, exercised by the corporation. PATRONAGE.

23. I am not aware of any local Act of Parliament relating to the district but that of the 1 Anne, to which allusion has been already made. ACTS OF PARLIAMENT.

24. The population of the town of Portarlington was returned in 1821 as then amounting to 2877. STATISTICAL DETAILS.

	Parish of Lea, Queen's County.	Parish of Cloneyhork, King's County.	Total.
In the enumeration of 1831 it is stated to be	1,997	1,094	3,091
Of whom there were, males	883	520	1,403
„ females	1,114	574	1,688
Their occupations were,			
Families employed in agriculture	107	69	176
Ditto, chiefly employed in trade, manufactures, and handicraft	141	62	203
All others, not included in the two preceding classes	143	57	200
Occupiers employing agricultural labourers	3	4	7
„ not employing ditto	21	21	42
Labourers employed in agriculture	102	65	167
„ employed in manufacture, retail trade, or in handicraft, as masters or workmen	180	75	255
Capitalists, &c.	40	32	72
Labourers employed in labour, not agricultural	14	1	15
Houses,			
Inhabited	305	181	486
Uninhabited	14	2	16
Building	3	—	3
Families	391	188	579

The population and buildings are on the increase. The larger and better portion of the town is situate in the Queen's County.

25. The town is within 44 statute miles of Dublin, with which it has the advantage of a water communication by means of the Grand Canal. It possesses, however, but little commerce beyond the ordinary retail trade consequent upon its population; and there are no extensive manufactories in it. With respect to the corporation, the exclusive spirit of the charter has been more than acted on by the persons who acquired corporate influence; the body has been severed from the people, and a feeling of mutual animosity has long subsisted between them. A corporation so circumstanced could not accomplish much towards the advancement of the prosperity of the district. By the alienation of their property, the GENERAL OBSERVATIONS.

PORTARLINGTON.

corporation deprived themselves of the power of being useful; they reduced their income to an inconsiderable rent, while the property, granted expressly for the benefit of the borough, is producing in other hands an income of nearly £800 a-year. Many matters essential to the prosperity of the borough are now needed, which these lands, if retained, could furnish the means of supplying; there is no town police; no hospital or fair green; the streets are in a neglected state, and their repair is thrown on the county, which of course presents sparingly for works principally to benefit the borough; and the town, although some of the private houses are good, presents altogether an impoverished appearance.

Members to Parliament.

Prior to the legislative Union between Great Britain and Ireland, this borough sent two Members to the Irish Parliament; since 1800 it has returned one to the Imperial Parliament. and so close has been this corporation, that for 50 years previous to the last general election, the nominee of the Dawson family, commonly a total stranger to the borough, was always returned without a contest. According to the Parliamentary Returns of May 1829 and June 1830, the number of electors, resident and non-resident, was 15; that is, all the members of the corporation. At the last election the number of registered voters was 137, of whom 131 actually polled, and the corporation candidate was defeated.

Should the corporation be extended, there is a sufficient number of inhabitants qualified to support it. There are about 60 twenty-pound, and a much greater number of ten-pound householders resident in the town.

Documents sent.

Copies of the following Documents are sent with this Report:

1. Petition of the Corporation to Trustees of Forfeited Estates.
2. Decree thereon.
3. Resolution to lease Drughill.
4. Attested Copy, Memorial of the Lease (1784.)
5. Resolution to grant the Commons.
6. Attested Copy, Memorial of the Conveyance (1802.)
7. Prayer of the Bill to impeach the Conveyance of 1802.
8. Conveyance by Trustees of Forfeited Estates to the Bishop of Kildare.
9. Forms in the Seneschal's Courts.
10. Protest of the Recorder, T. D. Clarke, Esq.

HENRY BALDWIN.

Inquiry held the 21st, 23d, and 24th September 1833, before John Colhoun and Henry Baldwin.

435

REPORT

ON

THE BOROUGH OF RATOATH.

BOROUGH OF RATOATH.

RATOATH is not now a corporate town, and I have not discovered a trace of a municipal corporation in existence within it at any period, unless the direction of a writ on the "Close Roll" of 1 Hen. VI. to "the provost and commonalty of the town of Rattoath" be evidence of the then existence of a body corporate. There was formerly a provost or portreeve of the borough, as well as a seneschal of the manor of Ratoath; but, in a petition of the portreeve and freeholders of the borough, presented to the House of Commons on the 6th of December 1727, it is stated "that the portreeve was annually elected by the freeholders of the said borough."

I have not found any charter of incorporation, and I believe Ratoath to have been a borough by prescription only.

It returned two Members to the Irish Parliament, and the right of election seems to have been vested in the freeholders of the manor.

When the borough was disfranchised at the period of the Union, a sum of £15,000 was paid as compensation to George Lowther, Esq., the patron, under the provisions of the 40 Geo. III. c. 9.

The town is situate about 12 miles north-west of Dublin, and is in the manor of the same name. The manor is of great antiquity.

I find that Edward III., in the eleventh year of his reign, granted to Hugo de Burgo the wardship of one-third of the manor of Ratouch, in the King's lands, by reason of the minority of the heiress of Walter De Burgo Earl of Ulster.

There is no court held in it.

MARKETS and FAIRS.

By statute of 28 Hen. VI. c. 14, power was given to Richard Duke of York, lord of the manor of Ratoath, to hold a Market in the town on every Monday, and two annual Fairs, namely, on the eve of St. John the Baptist, and the feast of the Holy Innocents, and two days after each, with such customs as were taken in the city of Dublin, and a patent dated the 31st May, 33 Geo. III., to George Lowther, Esq., contained a grant of a weekly market on Wednesday, and of three annual fairs, namely, on the 18th April, 1st June, and 20th November. These three fairs are still held, those granted by Henry VI. are not.

The following Table shows the numbers and occupations of the population in 1831:

Males		286
Females		266
Total		552
Families chiefly employed in agriculture		52
,, ,, in trade, manufactures, and handicraft		33
,, not included in the preceding classes		17
Employed in retail trade, or as masters or workmen		56
Labourers employed in agriculture		44
Ditto not employed in agriculture		4
Houses,		
Inhabited	96	
Families	102	

HENRY BALDWIN.

437

REPORT

ON

THE BOROUGH OF SWORDS.

CONTENTS.

	Page
Limits	259
Fiant of Elizabeth	259
Charters	259
Officers	259
Portreeve	259
Seneschal	259
Jurisdiction	259
Seneschal's Court	259
Petty Sessions	259
Police	259
Prison	259
Union Compensation for Loss of Elective Franchise	260
Charter of Geo. III.	260
Officers under	260
Treasurer	260
Superintendent	260
Schoolmaster	260
Schoolmistress	260
Physician	260
Schools	260
Dispensary and Physician	260
Coal Yard	261
Economy Lands	261
Statistical Details	261

BOROUGH OF SWORDS.

1. THE Limits of the Borough of Swords extend on the north to Balharay, about a mile and three quarters; on the east, to Lissenhall river, a little less than a mile; on the south to Drinan, about one mile; and on the west, to Moorestown, about three quarters of a mile, from the centre of the town. LIMITS.

There is extant a Fiant, dated the 16th June, in the twentieth year of Queen Elizabeth, (Chancery file 28, No. 2804,) which "for the better establishing of the corporation, and to make known the limits and bounds of the franchises and liberties thereof," appoints commissioners for measuring and appointing the limits "two miles every way from the town of Swords." We have not met with any return to this commission. Fiant of Elizabeth.

2. In the year 1192, John Earl Morton, (afterwards King John,) as Lord of Ireland, granted by Charter to John Archbishop of Dublin and his successors, licence to hold a fair in the town of Swords, which is described as being of the temporal possessions of the see, with all liberties and free customs thereunto appertaining. About the year 1196 King Richard I., by charter, granted and confirmed to the burgesses of Swords, all their burgages, as they were *at first established and conferred*, paying for each burgage twelvepence annually, by half-yearly payments, with all the liberties and free customs which the citizens of Dublin had, and which he (Richard) could reasonably grant and warrant. CHARTERS. 1192, John Earl Morton. 1196, Richard I.

We have not discovered any municipal charter relating to Swords, intermediate between the above and a charter of James II., dated the fifth year of his reign, (1689,) enrolled in Chancery. (Rot. Pat. 5. Jac. II. m. 27.) This charter, after stating that Swords was an ancient borough, and that the bailiffs, burgesses, and inhabitants enjoyed many privileges which had been seized into the King's hands by judgment of the Exchequer, proceeded to incorporate it; but as the charter bore date subsequent to James's abdication, it did not take effect. 5 James II.

3. The only public Officers whom we have found to have at any time exercised jurisdiction within the limits of the corporation, were a portreeve and the seneschal of the manor of St. Sepulchre, which is part of the possessions of the Archbishop of Dublin. Officers.

The Portreeve is appointed by the Archbishop of Dublin, and annually sworn at the Michaelmas Court Leet, in Dublin, before the seneschal of St. Sepulchre. He has no salary nor any emolument except the annual profits of three acres of land lying near the town, for which he receives about £8 a-year. Portreeve.

The Commons consisted of the commons of Drynan or East Commons, containing about 20 acres; and the commons of Swords or West Commons, comprising upwards of 100 acres. On both these commons the inhabitants of the borough possessed the right of grazing, but they exercised it in common with the public; and it did not appear that any person had been prevented from putting cattle upon them. Prior to the year 1800, there were but two houses on these commons, and the portreeve prevented persons from enclosing them. No portreeve has since interfered for this purpose; and, accordingly, strangers have settled upon them and enclosed, so that of both commons about 20 perches only are now unenclosed. Commons.

4. The Portreeves formerly held a Court in the town once a week. It was a branch of the Seneschal's Court of St. Sepulchre, and the warrants for arrests were all countersigned by him. The court was not limited in amount of claim, and entertained jurisdiction in all cases arising within the manor, an extent of several miles. The course of proceeding was similar to that of St. Sepulchre, which is detailed in the Report on the local jurisdictions existing in Dublin. The portreeve has not held a court for the last five years. He discontinued it in consequence of his jurisdiction being questioned. He has also for the same reason latterly omitted to examine the weights and measures of the town and to regulate the assize of bread, and to discharge his other duties, waiting for an opinion of counsel as to the extent of his authority. Jurisdiction. Courts.

The only court now held in the town is a court of Petty Sessions, at which county magistrates preside. This court sits every Wednesday; the portreeve takes no part in the proceedings. Petty Sessions.

5. A party of the County Constabulary, consisting of one chief and eight other constables, are stationed in the town. Police.

6. There is no Gaol. A lock-up place under the police barrack is used for the custody of prisoners committed until final examination, when they are sent to Kilmainham, near Dublin. Prison.

Four fairs are held annually in the town. There is no market.

The principal Street forms a portion of a turnpike road, and is kept in repair by the trustees. Streets.

The bye-ways are repaired by county presentments.

The borough returned two Members to the Irish Parliament, the elective franchise being in the resident householders.

SWORDS.

Compensation for Elective Franchise.

At the Union a sum of £15,000 was awarded to this borough under the Act 40 Geo. III. c. 84, as Compensation for the loss of the right, and was directed to be paid to trustees to procure an Act of Parliament or charter, to incorporate certain persons under the name of "The Governors of the School at Swords," in which body the sum should be vested, and by them funded in Government security, and the interest applied, in the first place, to the maintenance of one or more schools to be established within the borough under proper instructors, and the surplus of the accruing interest, after paying all expenses of maintaining the establisbment for education, in apprenticing the children educated in the said school to useful trades and occupations; and that any further surplus still remaining should be applied in premiums for the general encouragement of agriculture and manufactures, or in such other manner and under such regulations as the trustees should think would most effectually tend to promote the Christian religion, morality, good order, sobriety, cleanliness, industry, and wealth within the said borough; and that a sum of £1,875, being the interest on the said sum, due on 25th of June 1803, should be applied in obtaining ground for a site, and in purchasing, repairing, building, or fitting up proper school rooms for the purposes of the establishment."

How to be applied.

The money was accordingly vested in the public funds, and is now to the credit of the trustees.

Pursuant to the Parliamentary direction, a charter was obtained in the year of Geo. III., incorporating the governors; and separate schools for boys and girls have been established; the residue of the fund is applied for the support of a dispensary, and for a coal store, in which coals are sold during the winter months to the poor of the district at a reduced rate.

Officers.

The Officers of this body are,

A Treasurer,
Superintendent,
Master of the Boys' School,
Mistress of the Girls' School,
Physician for the Dispensary.

Treasurer.

The Treasurer is one of the governors, and is appointed by the others. He does not give any security. He keeps the accounts of his receipts and disbursements, which are audited by the other governors. He has no salary or emoluments. The present Dean of St. Patrick's is treasurer.

Superintendent.

The Superintendent is appointed by the governors. His salary was formerly £50 a-year. About two years since it was raised, and now is £70 British. He visits the schools, and examines in them; procures and pays for the necessary medicines for the dispensary and coals for the coal yard, and regulates the price at which they should be sold.

Schoolmaster.

The Schoolmaster has a salary of 50 guineas a-year, furnished apartments in the school house, and an allowance of 16 tons of coals annually for the entire building. He has also ten guineas a-year for a servant, and five guineas annually; (called bounty-money;) the latter sum is at the discretion of the superintendent. The Schoolmistress has 50 guineas a-year, without any extra allowance. There is no second master or mistress in the schools, which are governed by monitors, one for each class; and the monitors receive from 10*s.* to £1 a quarter each. There are ten classes in each school, and there is generally an attendance of about 150 boys and nearly as many girls.

Schoolmistress.

Formerly there was no restriction as to the children who were admitted to the schools. In 1821, a regulation was made that none should be received without a certificate, either from the vicar, parish priest, or a neighbouring magistrate, stating that the parents of the child had been resident for three years within the town or liberties, and were of good character. This resolution, though generally acted upon, has been in a few instances evaded. It is now so far altered that a residence of five years is required. The numbers are not limited.

There are six boys and six girls apprenticed out every year, and a sum of £12 paid with each apprentice. The apprentice must be 14 years of age and selected from the first class for best answering. Of the £12, £2 is paid to the child on quitting school to provide clothes, £3 to the master on signing the indentures of apprenticeship, £3 on the expiration of half the term, £2 to the master on his giving up the indentures, and £2 to the apprentice when out of his time, if the master certifies for his good conduct; if not, he does not receive this instalment of the money. The selection of the master is left to the parents or friends of the child, but a certificate of the competency and good conduct of the proposed master is required.

It was made a subject of complaint, and there seemed some foundation for it, that children of non-residents have obtained admission to the school and been apprenticed, to the prejudice of the inhabitants. It was also mentioned as an objection to the school, that one schoolmaster and one schoolmistress are not sufficient for the numbers; and a wish was expressed, that as the majority of the scholars are Roman Catholic, a second schoolmaster and mistress should be appointed, of that persuasion. The present master and mistress are Protestants.

Dispensary and Physician.

The Physician to the Dispensary has a salary of £80 Irish a-year. The dispensary is open from 9 until 11 o'clock every morning. The physician is not bound to attend to any patient who does not bring a recommendation from the vicar or his curate; but, in practice, he does not wait for such recommendation, attending at the houses of the poor, without an order. Upwards of 2,000 persons are annually relieved at this dispensary. The inhabitants are dissatisfied that the right to relief is confined to the recommendation of the vicar or his curate.

The physician is also coal distributor, at a salary of £20 Irish annually, and an allowance of coal for his own consumption.

Coal Yard.

The superintendent, in the month of May or June, contracts for filling the stores before the 1st of November; he usually gets about 200 tons, enough to supply the poor until the Easter following. There is no supply from Easter to November. He regulates the price, and generally supplies the coal at the import price, thus saving to the poor the expense of carriage. The coal is only supplied to persons whose names are entered on a list, which generally contains about 250 names, and is as much as possible confined to persons who have children at the school, or who were themselves educated there. The list is first made out by the coal distributor, and by him furnished to the vicar; after it is approved of by the latter it becomes the list for the current year. The delivery is weekly. The coal distributor receives the money and accounts weekly with the superintendent. The supply is limited to one bushel a-week to each person, except in cases of illness, when the supply is doubled. There are very few, if any, upon the coal list who are not resident within the borough.

Economy Lands.

There is another fund applicable to public purposes in the parish of Swords. It consists of certain lands, called the "Economy Lands." The vicar has the control of the expenditure of the rents, which are applied in repairs of the parish church, and otherwise to the relief of the parishioners from church rate. He accounts annually for them to the Archbishop of Dublin, at his visitation. The accounts are signed by the vicar and churchwarden, but the vicar has uniformly refused, to the inhabitants at vestry, the power of investigating those accounts. He also declined giving us further information respecting them, alleging that they were not within the scope of our Inquiry. He stated, at the same time, that he did not know what the original purposes of the grants were; and not having had access to the documents on the subject, we are unable to state them with certainty, or whether the corporation were at any time connected with them.

The town is poor and does not appear to be improving.

Statistical Details.

7. The following Table shows the state of the town in 1831:

Population:	
Males, 1,218; females, 1,319. Total - - - - -	2,537
Occupations:	
Families chiefly employed in agriculture - - - -	278
„ „ in trade, manufacture, and handicraft	107
„ not comprised in the above - - - - -	111
Houses:	
Inhabited, 460; uninhabited, 24. Total - - - -	484

ACHESON LYLE,
HENRY BALDWIN, } *Commissioners.*

Inquiry held the 19th of December 1833.

REPORT

ON

THE BOROUGH OF TRIM.

CONTENTS.

	Page
Limits	265
Charters	265
"New Rules"	265
Title	266
Classes	266
Officers	266
Portreeve	266
Burgesses	266
Freemen	267
As of Right	267
By Grace Especial	267
Inferior Officers	267
Town Clerk	267
Serjeants at Mace	267
Recorder	268
Billet Master	268
Constitution	268
Remarks on	268
Bye-Laws	268
Jurisdiction	268
Borough Court	268
Quarter Sessions Court	268
Petty Sessions Court	268
Assizes	268
Police	268
Streets	268
Prison	269
Public Charities	269
Briddock's Charity	269
Patronage	269
Property	269
Lands	269
Bye-law regulating Use of	270
Annual Value of	270
Income	270
Fairs and Markets	270
Tolls and Customs	270
Local Acts	271
Statistical Details	271
General Remarks	271

BOROUGH OF TRIM.

1. THE Borough of Trim comprises within its Limits the entire town, as built upon, and a surrounding district of considerable extent. The limits are not marked by defined boundaries, and are very imperfectly known at the present day, although they are supposed to regulate, not merely the magisterial authority of the chief officer of the corporation, but also the jurisdiction of a court still in existence. LIMITS.

The "Commons of Trim" are within the borough, and a portion of them is distant a mile and a half from the town.

2. The burgesses of Trim were first enfranchised by Walter de Lacy, Lord of Meath, in the reign of Richard I. By his Charter, De Lacy granted and confirmed to his burgesses of Trim "all the liberties which they had and enjoyed of his gift according to the laws of Bristol, before they obtained the said charter;" he also granted to the same burgesses "the decayed wood of his forests of Trim for firing, subject to the inspection of his foresters; and that they might have pasture for their cattle in his wastes and bogs." I have not been able to discover the extent of land on which the burgesses thus obtained a right of pasture. CHARTERS. Walter De Lacy.

Walter de Lacy was Lord of Meath, and dying without issue, the lordship descended to his two sisters; Geoffrey de Geneville, the husband of the elder, became seised of the Lordship or Liberty of Trim, as his moiety; and this moiety afterwards, and very early in the fourteenth century, devolved upon Lord Roger de Mortimer, in right of his wife. Lordship and Liberty of Trim.

King Edward III., by charter bearing date the 23d of August 1327, and in the first year of his reign, after stating that "Edward the late King, (Edward II.,) by writ of *quo warranto*, had recovered from Roger de Mortimer, and Johanna, his wife, the liberty of Trim, which they held as the inheritance of Johanna, for divers good services which De Mortimer had rendered to his mother, Isabella, granted to him and to his wife Johanna the aforesaid liberty, with the appurtenances, to hold to them and to the heirs of Johanna, as fully and in the same manner as if it had never been forfeited." 1 Edward III. 23d August 1327. Grant to De Mortimer.

King Richard II., by Charter bearing date the 4th of October, in the seventeenth year of his reign, and in the year of our Lord 1393, at the solicitation of Roger de Mortimer, Earl of March, granted towards the fortification of the town of Trim, where all the "fideles" of the county of Meath congregated, certain tolls therein specified, for a term of 20 years, on all saleable articles going in or coming out of the towns of Trim, Athboy, Scryn, and Navan, to be collected by collectors appointed by De Mortimer, by letters patent under the seal of the liberty, for the purpose of walling, repairing, and amending the pavement, and improving the town of Trim. 17 Richard II. 4th October 1393.

The Earldom of Marche and Lordship of Meath afterwards became vested in the Crown; and by the Act of 10 Henry VII. c. 15, it was, amongst other things, declared lawful for the King and his heirs to enter and seize all the manors, lordships, &c. in the Act mentioned, and amongst others the lordship of Trim. Lordship of Meath vested in the Crown. 10 Hen. VII. c. 15. Act of Parliament.

King Henry IV., by charter bearing date the 12th June, in the sixth year of his reign, inspected and confirmed the charter of Walter de Lacy. 6 Henry IV., 12th June.

The same monarch by a subsequent charter inspected his former one, and confirmed certain privileges to the corporation. The most material of the privileges there mentioned are, the right to elect a provost annually, to have a court called a Court of Hundred before the provost from 15 days to 15 days, as in Dublin and Bristol, and to have another court before the provost from day to day, as in those cities. Henry IV.

Another charter of confirmation was granted by King Henry VI. Henry VI.

Queen Elizabeth, by charter bearing date the 8th March, in the thirteenth year of her reign, recites and confirms the several charters above stated. This charter is the governing one. 13 Elizabeth, 8th March.

It prescribes the mode of electing the portreeve, burgesses, and freemen, and contains a grant of a Court of Hundred and of a Borough Court, and of a Criminal Court, to be held before the portreeve, whom it empowers to call on four or more of the burgesses to assist him. It constitutes the portreeve clerk of the market, and gives him a power of appointing, in his absence, any person who has already served the office of portreeve, to be deputy. Provisions of.

Cromwell appears to have granted a charter to Trim in the year 1657.

A Charter was granted by James II., dated the fifth year of his reign. Being after his abdication, it did not take effect. Charter of 5 James II.

Trim is included in the "New Rules" of 25 Car. II., made by the Lord Lieutenant and Council, pursuant to the Acts of Settlement and Explanation, (14, 15 Car. II. and 17, 18 Car. II.) "for the better regulating the several cities, walled towns, and corporations of Trim, &c., and the electing of magistrates and officers there." These rules bear date the "New Rules."

TRIM.

23d September 1672, and their provisions, with respect to elections, have been already noticed in the Report on the borough of Athlone. They also provide for the admission as freemen of "foreigners, strangers, and aliens, as well others as Protestants, exercising any mystery, craft, or trade," &c. who come into the said cities, towns, or corporations, to dwell there."

Title. 3. The corporation is entitled in the charter of Elizabeth, "the Portreeve, Burgesses, and Freemen of Trim."

Classes. 4. It consists of one portreeve, and of burgesses and freemen, without restriction as to number of either Class.

Officers. 5. Besides the portreeve and burgesses, the officers are,

One Town Clerk,
Two Serjeants at Mace,
One Recorder, and
One Billet Master.

The last two offices are not mentioned in the charters.

Portreeve, how and by whom elected. The Portreeve is elected annually from amongst the burgesses on the 29th of June, in an assembly consisting of the portreeve or his deputy, burgesses, and freemen, by the majority of voices. In practice, freemen always vote at such election indiscriminately with burgesses, although that privilege does not appear to be conferred upon them by charter. No particular number of electors is considered necessary to make an election. The attendance has been as numerous as 50, and there have been contests for the office. There is no regulation with respect to the portreeve voting either as a burgess or as having a casting voice.

He is sworn in on the 29th of September.

Deputy. The charter gives to the portreeve the power of appointing a Deputy, and in practice he generally does so. It requires that the person to be appointed deputy, should himself have served the office of portreeve, "if such person can be found willing to act;" there are, however, modern instances of departures from this restriction.

Portreeve not to be re-elected. The charter prescribes that the same person shall not be Portreeve for two successive years, and no case of the kind was mentioned; the same individual has, however, frequently acted as portreeve for more than one year, being elected portreeve the first year, and the following being nominated deputy.

This has occurred in the person of a Mr. Osborne, who has considerable influence in the corporation, and who has been portreeve for three years and deputy portreeve for two, within the ten years preceding the year 1833.

Functions of. The portreeve is, by charter, a justice of the peace within the limits of the borough, and he occasionally sits as such at petty sessions, and performs the ordinary magisterial duties of the district. He presides in the Borough Court, the jurisdiction of which is unlimited in amount. He was also entitled to hold a court on fair days as baron of the fair. It does not appear that this court has been ever held. He presides at all assemblies of the corporation. He is clerk of the market, but seldom bestows much attention on its regulation. He is a trustee of "the Briddock Charity," hereinafter mentioned, and received and accounted for the interest money, as long as it was paid, and handed over the balance, with his account, to his successor.

Salary of. He has not and never had any fixed Salary. When tolls and customs were collected the amount was received by him, as well as some rents payable to the corporation, and out of the fund thus produced, he paid the other corporate officers their salaries, kept the shambles and a fire-engine in repair, and paid quit-rent for the corporate property, retaining the residue for himself.

Fees. He has also a Fee of one guinea each, on the admission of burgesses and freemen, and some fees arising from his duties in the Borough Court. The corporation rents are under £30 a-year, and no tolls or customs being now collected, the emoluments of the office are very trifling. It was stated that from 1802 to the present time, the average surplus of the tolls and rents retained by the sovereign has been about £20 a year.

When there is a deputy the duties are performed by him, and he receives the emoluments.

Burgesses, how elected. Burgesses are elected by the majority of the corporation at large. They are generally, but not necessarily, chosen from the freemen, and hold their office for life; no qualification is deemed necessary, and some of the present burgesses never were admitted as freemen.

Fees. If a freeman be made a burgess he pays no Fees, but when a stranger is elected he pays one guinea to the portreeve, 13*s.* 4*d.* to the town clerk, and 3*s.* 4*d.* to each of the two serjeants at mace, all late Irish currency.

Number of. There are at present 55 burgesses, of whom 25 are resident within the limits of the borough.

Vacancies are not filled up as they occur, nor at any stated periods.

Functions of. Burgesses have not any Functions to perform distinct from those which they exercise as members of the corporation at large. Formerly, when the Criminal Court of the Borough sat, at which the portreeve presided, he was empowered by charter to call on some of the burgesses to assist him, but that court has long since fallen into total disuse.

Privileges of. The Privileges of the burgesses consist in eligibility to the office of portreeve, and to a share or lot of the corporation ground, called "Commons," and an exemption from tolls and customs.

All these privileges are common to resident and non-resident burgesses, save that of being

eligible to a lot or portion of commons. No lot can be voted to a non-resident burgess; but if a burgess obtains one, he holds for life, and does not forfeit it by becoming non-resident.

6. Freemen are admitted, either as of right, which is confined to the sons and sons-in-law of freemen, or by grace especial. Freemen, two Classes.

The modes of admission differ. It was stated that admission as "of Right," was a modern practice, introduced for the first time since the year 1800, and it is even now questioned by some of the members of the corporation. The sons and sons-in-law of freemen are proposed in an assembly consisting of the portreeve, burgesses, and freemen, and the proposal being seconded, is, in form, put to the vote; but no voting, in practice, ever takes place upon it. The entry of the admission is upon a £1 stamp, being the stamp prescribed by the Stamp Act, for freemen admitted as of right. Residency is not required. Modes of Admission. As of Right.

Persons seeking to be admitted by Grace, are required to give three months' notice of their intention to apply for admission. This notice is delivered to the town clerk, whose duty it is to post it in a conspicuous part of the town, and at the end of three months from the date of the posting, and not sooner, the candidate may be proposed. He is proposed and seconded in a meeting of the portreeve, burgesses, and freemen, and admitted or rejected according to the majority of votes. The Days on which freemen and burgesses are admitted, are the 25th of March and 29th of June; and these being stated days of meeting, no special notice is given for them. Formerly, the 29th of September was the only day for admissions, but this was altered by a bye-law, made about seven years ago, and since that time the meeting on the 29th of September has been devoted exclusively to the swearing in of officers. All officers and freemen are sworn on that day. By Grace especial. Days for admitting.

The Number of existing Freemen is, Number of Freemen.

Freemen admitted as of Right	- -	51
Freemen admitted by Grace especial	-	4

As of Right. By Grace.

Of these 36 are resident, and 19 non-resident. There are several instances of boys under 10 years of age having been admitted as burgesses and freemen. Resident.

No Roman Catholic, for upwards of a century, has been free of this corporation. There are many respectable persons of that persuasion resident in the town. They have not applied for admission, although desirous of becoming free; and it is plain they have been deterred from doing so, by apparently a well-grounded conviction that they would be rejected by the corporation on account of their sect. Roman Catholics excluded.

There is an entry in the corporate books, under date the 3d of June 1696, of the disfranchisement of 110 persons "for being Papists."

A strong sectarian feeling still prevails in the corporation. Two instances were mentioned of Roman Catholics being married to the daughters of freemen, and although thus entitled as of right to their freedom, according to the modern usage of the corporation, they have not endeavoured to obtain it, probably for the reason above mentioned. These two persons are resident in the town. There is no Protestant Dissenter a freeman. Trim is expressly mentioned in the "New Rules" of Charles II., but no effort appears to have been made to obtain admission under their provisions.

There is no difference in the Fees on admission, payable by freemen admitted as of right, and those obtaining their freedom by grace especial. These fees are the same as those already mentioned, as payable by persons elected burgesses without having been free. Formerly the fee was 16*s.* 4*d.* to the town clerk. A bye-law, made on the 29th of September 1819, reduced it to 13*s.* 4*d.* late currency. Fees payable by.

The fees payable to the several officers above mentioned, by burgesses and freemen, are applied by those officers to their own use, and they are not held accountable for the amount.

Freemen have the same Functions as the burgesses, and also the same Privileges, except that of being eligible to the office of portreeve, and of consequence of acting as deputy portreeve. Functions and Privileges of.

Freemen have been disfranchised by vote of the corporation at large. This has been done in two instances in modern times; in one, for disobedience to the sovereign, and in the other, it was alleged, for improperly withholding possession of a portion of the commons.

7. The Town Clerk is elected, during good behaviour, by the same persons and in the same manner as burgesses and freemen. Inferior Officers. Town Clerk.

He attends at, and records the proceedings of the corporate assemblies. Functions of.

He is also register of the Borough Court, and issues its process, and summonses juries for it.

He receives and posts notices of applications for freedom, and selects market juries.

The town clerk's Salary is £10 a year, which, since the collection of tolls and customs has been discontinued, is very irregularly (if at all) paid. This observation also applies to the salaries of the other officers. Salary of.

He receives fees on the admissions of burgesses and freemen, at the rate already mentioned, and some fees in the Borough Court. The latter are very inconsiderable in consequence of the little business done in the court.

The two Serjeants at Mace are appointed by the portreeve for the term of one year only, but they are seldom changed during good behaviour. Serjeants at Mace, how appointed.

They execute the process of the Borough Court, and act as officers of the portreeve. Functions of.

Their salaries are £5 a year each; they also receive fees from the Borough Court, and 3*s.* 4*d.*

TRIM.

each, on the admission of a freeman and election of a burgess who has not been previously admitted a freeman.

Recorder, how elected.

The Recorder is elected by the corporation at large, in the same way as burgesses and freemen. He holds his office during pleasure. The late recorder was removed on the 29th of June 1833, because he had been professionally employed against the corporation. Both the late and present recorder are attorneys and non-resident.

Functions.

The recorder has no Functions to perform, and it did not appear that he has ever presided in any court. He receives neither salary nor incidental emolument. The office is merely honorary.

Billet Master, how appointed.

The Billet Master is appointed for one year, in the same manner as the serjeants at mace and is usually continued from year to year.

Functions of.

His Duties are the ordinary ones of the office. His salary is £5 a year. He keeps a list of the inhabitants, to enable him to billet upon them in rotation.

Craner.

There was a public Craner, appointed by the portreeve, and sworn before he commenced to act. The charges at the crane were considered high, and the public avoided resorting to it. In 1830, the corporation gave it up, and no craner has been appointed since.

Constitution.

8. There is no common council or other select body in this corporation. Prior to the year 1800, the Marquis of Wellesley was the "patron," and his influence predominated; since that year he has abstained from interfering, and the freemen being admitted to a full participation of all power, in common with the very extended number of burgesses, the corporation is, and for upwards of 30 years has been, amongst its own members, essentially popular. With respect, however, to the inhabitants generally, the vast majority of whom are of the Roman Catholic persuasion, it is a perfectly close corporation, and its government, although in form popular, is practically exclusive, and on that account obnoxious to the inhabitants.

Bye-laws.

9. The corporation have from time to time exercised its charter power of making Bye-laws. The most material of them are, the bye-law of the 29th of September 1819, regulating the fees payable on admissions of burgesses and freemen, and one of 1705, which regulates the distribution of the landed property of the corporation, and of which more particular mention will be made hereafter.

Jurisdiction.

10. The corporation have not any exclusive Jurisdiction, criminal or civil.

Courts.

By charter they were entitled to a Court of D'Oyer Hundred, a Court Baron, a Criminal Court, and a Borough Court. I have not discovered a record of the existence of any of these courts, except the last. Certainly none other has been held since the period of the legislative Union.

Borough Court.

The civil court is still holden before the portreeve. It is called "The Borough Court," and its jurisdiction is not limited in amount. It is, however, very little resorted to, owing, in a great measure, to a cheaper and more satisfactory mode being provided by process of civil

Number of Cases.

bill before the assistant barrister at quarter sessions; and within the last six years only 20 Cases have been instituted, and but one came to trial, and even this solitary case did not proceed to final judgment. No action has been commenced in it since March 1831. The portreeves have been disposed to discourage proceedings in it, and they have refused to

Jury.

allow its process to issue on several occasions, on account of the expense of the proceedings. There is always a Jury summoned by the town clerk from the inhabitants generally; and two persons, appointed by the corporation, practise as attorneys, although not professional persons, and receive a fee of 6*s*. 8*d*. on each trial.

Nature of Process.

The mesne process is by attachment of the person or goods, at the option of the plaintiff. The process is grounded on an affidavit of debt made before the portreeve, who thereupon authorizes the town clerk to issue the attachment to the serjeants at mace.

Costs of Process.

The Costs of mesne process amount to 13*s*. 4*d*. British; viz. 2*s*. 1*d*. for the stamp of the affidavit, 1*s*. 1*d*. to the portreeve on swearing it, 3*s*. 1*d*. to the serjeants at mace for executing the process, and the residue (7*s*. 1*d*.) to the town clerk for preparing the affidavit. These sums are, in the first instance, paid by the plaintiff. In practice, the execution of the process generally procures payment of the debt. Where it fails, bail is entered; about eight days usually elapse between the commencement and termination of the proceedings, and the

Costs of Suit.

Costs on both sides amount to about £1 17*s*. There is a fee of 4*s*. 1*d*. to the portreeve for signing the execution. There is no taxation of costs; they follow the event of the Suit.

Quarter Sessions.

The County Quarter Sessions Court sits four times a year for the division in which this district is situate; twice in the town of Trim, and twice in Navan, distant about seven miles.

Petty Sessions.

Petty Sessions are held weekly in Trim on every Saturday; county magistrates preside, and the portreeve occasionally sits with them for cases arising within the jurisdiction of the borough.

Assizes.

This being the capital of the county, Assizes are held in it twice a year, at the usual periods.

Police.

11. Except the serjeants at mace there are not any Police of the town or borough. The county constabulary act, and one chief constable and 21 constables are stationed in it. The chief constable is a magistrate of the county, and acts as such in the district of the corporation.

The police have, since the year 1829, been directed not to act without the orders of a county magistrate, and since that time have refused to obey the directions of the portreeve. At one time a number of persons were sworn as special constables to assist in the collection of tolls and customs, then resisted by force.

Streets, how repaired.

12. The Streets are portions of the county roads, and as such are repaired by county presentments. The streets, bye-ways, and shores are badly kept, and a fund is much needed

for their repair, as the county grand juries object to present on the county at large, for matters which would principally benefit the town alone. The corporation do not in any manner assess the district. Formerly a charge of about 3*d.* a house was annually collected. It was called "leet money," probably from its having been assessed in Court Leet. It has not been paid for many years. The town is not lighted, and no effort has been made to put it under the provisions of the Act of 9 George IV. c. 82.

Prison.

13. There is not, at present, any Borough Gaol. There was formerly a marshalsea, to which persons arrested under process of the Borough Court, and prisoners from the borough, were committed; but it has been abandoned for the last 10 years, and all prisoners from the district are now committed to the county gaol, which is within the limits.

The corporation have not any jurisdiction over the county gaol.

Public Charities. The Briddock Charity.

14. The corporation do not support any institution whatsoever for the relief of the Poor. There is, however, a Charity, partly under the control of the portreeve, called "the Briddock Charity," so named because it was established by a person of the name of Robert Briddock, in whose will, bearing date the 6th of April 1702, is contained the following passage:

Extract from Robert Briddock's Will.

"Item. I give and bequeath unto four that are now, or shall be hereafter, decayed Protestant freemen, that are, or shall be hereafter, inhabitants of the town and parish of Trim, (county Meath,) and no other, and four of the decayed freemen's sons that are Protestants, that inhabit or shall inhabit as aforesaid, the interest of £500 sterling for ever, to be disposed of as follows: viz. To each of the four men a coat and breeches of grey cloth, lined with blue baize, or sarge, and a waistcoat of the same of the lining, with brass buttons, a hat, two shirts, two cravats, two pair of shoes, one pair of stockings, 5*s.* every Easter, 5*s.* every Whitsuntide, 10*s.* every Christmas, and 4*d.* every week, in bread, to each man; to the four boys, £5 every year to each boy, to apprentice to any trade that belongs to the woollen manufactory, as weaving, dyeing, pressing, &c.; a Bible and Common Prayer Book to each boy when he is put out to apprentice. And when in any year it happens that there are not four freemen's sons, that are Protestants, in the town and parish of Trim, that are fit to be put out to apprentice, as aforesaid, that then any other freemen's sons, that are Protestants, that live in any other parish, shall be put out as aforesaid.

"The portreeve, guardian, vicar, and churchwardens of the town of Trim, for the time being, I appoint to take care that the interest of the aforesaid £500 be faithfully laid out to the true intent and meaning aforesaid.

"Item. I do hereby nominate and appoint my very good friend, the Rev. Doctor Hearne, of Trim, and my brother, Robert Brady, of St. John's, overseers in trust of this my will."

Fund placed at Interest. Bill and Decree, 1753. Mortgage. 7th February 1754.

This Fund was invested in private security, and the Interest being unpaid, a Bill was filed and a Decree obtained in 1753, directing, amongst other things, that the principal with the interest, which had accumulated to the sum of £935 17*s.* 4*d.*, should be laid out at interest in the name of the Right Honourable Richard Lord Mornington, upon the trusts of the will; and accordingly the sum was lent to Richard Phepoe and Elizabeth Harriss, who, by deed bearing date the 7th of February 1754, mortgaged the lands of Monkstown for securing it.

Bill filed to foreclose. 1829, Decree.

The interest was paid on this principal sum up to the 1st of November 1812; but being unpaid from that time, a Bill was filed in the Court of Chancery on the 1st of October 1823, in the names of the portreeve and the other trustees, and in 1829, a Decree to account was pronounced; but in the progress of that suit it seems to have been discovered that the mortgage only affected an annual sum or rent charge of £66 arising out of the lands of Monkstown, and not the fee of the lands, as had been previously supposed. Heavy costs were incurred in this suit. There is a Receiver in the cause over the rent charge of £66; but some time must elapse before the fund can be rendered available to the charity. In 1801, the guardians of the Briddock charity, out of the accumulation of the interest, lent to the parish of Trim the sum of £112, for the purpose of building a church, and the parish passed a vote at vestry, to repay that sum, with interest; but after several payments of interest, the parish, about two years since, refused any longer to applot for it, and the principal sum, and an arrear of about three years' interest, remain unpaid.

Receiver.

£112 lent to parish of Trim.

Payment refused.

County Infirmary.

The County Infirmary is situate a little way outside the town, and within the limits.

Charter School.

There is a Charter School here for 40 children. It was built and endowed with eight acres of ground and £50 per annum by the first Lord Mornington. It stands on ground that formerly belonged to the corporation, the body having granted one acre for ever, for the building.

Patronage.

15. There is no Patronage in the hands of the corporation.

PROPERTY. Commons of Trim.

16. The corporation are possessed of considerable landed Property, situate near the town, and called "The Commons of Trim;" but, although so named, it has not been in a state of commonage since the year 1705. It was alleged that the corporation derived this property under the charter of De Lacy, but that charter seems rather to have conferred a right of housebote and of pasture, than to contain any grant of lands. However, length of possession probably constitutes a good title for the corporation at the present day, whatever may have been the foundation of their right. It was alleged that the property was formerly much more extensive than it is at present, and reached from Dunderry Bridge, to Castlerickard; and that portions were, from time to time, taken from it by neighbouring landlords. No satisfactory evidence was given on these points; and it is a remarkable fact, considering the fate of corporate property in other places, that this corporation are now in possession of the same quantity of land as they held 84 years ago.

Extent of.

TRIM.

Map of 1753. 479A. 3R. 37P.

A Map was produced, bearing date in the year 1753, according to which this property then contained 479A. 3R. 37P., all of which are still in the possession of the corporation; and it seems improbable that any encroachments have been made since 1705.

3d May 1705, Bye-law for Enclosure of the Commons, and the Division into Lots. Burgesses' Lots and Freemen's Lots.

On the 3d of May in that year a Bye-law was enacted for the enclosure of the Commons, and the division of them into a number of portions or "Lots," and for the occupation of the lots by the burgesses and freemen. This bye-law was immediately acted upon, and two classes of lots were made, the one called "Burgesses' Lots," containing from 10 to 20 acres, and the other named "Freemen's Lots," and comprising from 4 to 10 acres. These lots have been since maintained, except where, in a few instances, a burgess's lot has been considered too large, and been divided. The largest lot is now 19 acres.

Number of each.

There are at present 15 burgesses' and 47 freemen's lots. Each lot is held by the person to whom it is voted, in severalty for his life. During his tenure he cultivates the ground as he

May be assigned.

pleases, and is permitted to assign it for that term, or to build upon it; and in several instances buildings have been erected.

According to the bye-law, a burgess's lot is not to be given to a freeman, nor a freeman's to a burgess, and to this rule the corporation profess to adhere; but it is stated that there have been instances in which a lot well known to have been a freeman's, has been, when vacant, called a burgess's lot for the purpose of giving it to one of the latter class. From the number of lots belonging to each class, this cannot have frequently occurred.

How a Lot is disposed of.

When a Lot becomes vacant by the death of its occupant, it is put to the vote at the next assembly of the corporation, to decide who shall succeed to it, and the candidate having the majority of votes obtains the lot. The proceedings are the same with respect to both classes of lots; and burgesses and freemen are respectively competent to vote in the disposition

Qualification for.

of each other's lots. The only qualification for a lot is, to be a resident member of the class to which the vacant lot belongs. No conveyance is ever executed to the person succeeding to the lot, although there is a resolution on the books, that a lease for his life shall be executed to him. It has been already observed that a lot is not forfeited by the person to whom it has been voted becoming non-resident; and it has occurred that persons who obtained lots have

Lots assigned.

sold their life interest in them, and emigrated to America.

Inconvenience from.

A difficulty will probably occur to the corporation in ascertaining the fact of the deaths of these persons whenever they shall happen; and, at all events, the assignees will be able to hold over for the interval between the death of the grantee of the corporation and its being authenticated at Trim. Notwithstanding this obvious inconvenience, no objection has been made to any assignment in contemplation of quitting the country.

Effect of Interest in Corporation.

There is generally a contest for a vacant lot; and the person, without a lot, of most interest in the corporation, obtains it. No person can have more than one lot granted to him, but he may (as can any person) purchase or become tenant to any number. One gentleman and his family and connexions hold five of the largest lots, containing together 92 acres.

Widow's Year.

In practice, if a burgess or freeman dies in possession of a lot and leaves a widow, she is always permitted to hold his lot for one year, from the 25th of March next after his death; and the right of possession of his successor is suspended during that period. The Grantees of

Grantees rejected at Registry.

lots have sought to register in right of them as freeholders of the county. They were rejected by the registering barrister, on the ground that they had not a legal estate of freehold, as no

Their Assignees registered.

conveyance had been executed to them; but some of their Assignees, on production of their assignments, have succeeded in registering in right of these holdings.

Annual Value of the entire Commons.

The annual value of these lands is considerably above £700 a-year. They do not lie together, but all are within the jurisdiction of the borough, and the most distant is not two miles from the town. The greater part of them is in the immediate neighbourhood.

Holdings in the Town.

Besides these lands called "Commons," the corporation are possessed of several tenements and holdings in and about the Town, which are let to tenants, and produce, according to one statement, a rent of £15 17*s.* 8*d.* a-year, and by another, taken from a rental dated 1829, £29 6*s.* 7*d.*

Income.

This rent is received by the portreeve, and since 1830 has constituted the entire income of the corporation, and the body is now in debt to its officers on account of their salaries.

Fairs and Markets.

17. There are five Fairs in the year. Saturday in each week is Market day. Up to the year 1829, the markets and weights and measures were regulated by a Market Jury. This

Market Jury.

body was selected and empannelled by the town clerk from the inhabitants generally. Its numbers varied, 23 being the highest; and it acted for a year, from the 30th of September.

In 1829, the last.

The jury sworn on 30th of September 1829 consisted of 18 persons, 11 of whom were members of the corporation. This was the last market jury, and they acted only for a short time; for having been obstructed in the performance of their duty, in the following month they did not further interfere. The loss of a market jury is severely felt, and very generally complained of. The weights and measures now in use require regulation.

Tolls and Customs.

18. Tolls and Customs were collected here at fairs and markets up to the year 1829. The system of resistance to them, which at that time prevailed throughout the county of Meath,

Not received since 1829.

extended to this borough, and the corporation abandoned the collection; and no tolls or customs have been received since the month of October in that year. They are not even demanded now. When they were collected there was a toll board exposed, pursuant to the Act of 57 Geo, III. c. 108. The portreeve for the year dealt with the tolls and customs as he pleased: sometimes he let them by proposal, and occasionally collected them by a collector employed by himself. For the latter years of their collection, the shambles and fire-engine were kept in repair, and the corporate officers paid out of a fund created by them

TRIM.

and the corporation rents. The tolls and customs, when let, usually produced about £80 a-year, besides which a sum of about £50 a-year was generally received for the crane. Formerly produced.

The rates of charges for tolls and customs were high, and appear to have been arbitrarily fixed, without authority from the charters or otherwise. Since their abolition, the markets have materially improved. A well-regulated public crane would, however, be desirable.

19. Trim is included in the Act 2 Edw. IV., passed for the purpose of removing doubts as to the legality of collecting tolls in the towns mentioned in it. The Act is declaratory of the right of collection, and authorizes its continuance, for the pavage, murage, and pontage of the towns. Local Acts.

The Act of 2 Edw. IV., and of 10 Henry VII. c. 15, already mentioned, and an Act of 25 Hen. VIII. relating to the priory of St. Peter's at Trim, are the only other local Acts I have discovered.

20. According to the Return of 1821, the population of the town of Trim was then 2,304. Statistical Details.

In 1831, by the enumeration of that year, it was	3282
Of whom there were, males	1678
„ females	1604

Their occupations were,

Families employed in agriculture	177
Ditto chiefly employed in trade, manufactures, and handicraft	263
All others not included in the two preceding classes	200
Occupiers employing labourers	12
„ not employing labourers	28
Labourers employed in agriculture	237
Employed in retail trade, or in handicraft as masters or workmen	379
Capitalists, &c.	49
Labourers employed in labour not agricultural	52

Houses,

Inhabited	531
Uninhabited	26
Building	15
Families	640

The town is situate partly in the barony of Lower Moyfenragh and partly in that of Upper Navan. About 400 of the population are Protestants, the rest are nearly all Roman Catholics. There were stated to be about 60 houses worth £10 a-year, more than half of which were occupied by Roman Catholics. There are about 60 houses on the "Commons."

21. Trim is the county town of Meath. It is a place of great antiquity, and was formerly of such importance that several of the earlier Irish Parliaments were held in it. It attracted the attention of the English on their arrival in this island; and being made the residence and seat of government of De Lacy, became, in the language of the charter of Richard II., (1395,) the place "where all the 'fideles' of the county of Meath congregated;" and valuable privileges were accordingly granted by several charters to its inhabitants. It returned Members to Parliament so early as the second year of Queen Elizabeth, a circumstance which proves its importance at that date. It continued to return two Members to the Irish Parliament up to the year 1800. It was then deprived of the elective franchise by the Act of Union, and the sum of £15,000 was paid as compensation for that loss to the Marquis Wellesley under the 40 Geo. III. c. 34. For several years the town has been declining, and it now presents a very impoverished appearance. It has no extensive trade or manufacture. The markets have improved within the last few years, a circumstance which the inhabitants ascribe to the discontinuance of the collection of tolls and customs. The Borough Court having fallen into disuse, the corporation may be said to have ceased to exercise any municipal functions; and the only way in which the public are affected by it, is that it supplies a resident local magistrate in the person of the portreeve. This, however, is not of much consequence, as there is a resident stipendiary magistrate in the town, and there are several county justices in its neighbourhood. This corporation is peculiar, in being, as at present constituted, perfectly democratic, and consisting of a far greater number of persons than any corporation in the district I visited; it is, however, in reference to the population at large, exclusive and intolerant, and therefore obnoxious to them. From the present disposition of the corporate lands, an inconsiderable benefit results to about 60 individuals; by the application of their produce to public purposes, substantial advantages might be conferred upon the entire district. There is a canal from Drogheda to Navan. It was stated that an Act passed the Irish Parliament for extending it to Trim, and that a mile and a half of the distance (seven miles) was actually excavated; but the work was there discontinued. The inhabitants allege that it could be completed for about £6000, and it would be of essential benefit to the markets of Trim. State and Prospects.

HENRY BALDWIN.

Inquiry held the 11th and 12th of September 1833, before John Colhoun and Henry Baldwin.

4/3

REPORTS

FROM

THE WESTERN CIRCUIT.

CONTENTS.

COUNTIES.

CLARE.	LIMERICK CITY.
GALWAY.	LONGFORD.
GALWAY TOWN.	MAYO.
KERRY.	ROSCOMMON.
LIMERICK.	

TOWNS.

Ardfert	County of Kerry.
Askeaton	County of Limerick.
Athenry	County of Galway.
Castlebar	County of Mayo.
Dingle	County of Kerry.
Ennis	County of Clare.
Galway	County of the Town of Galway.
Lanesborough	County of Longford.
Limerick	County of the City of Limerick
Roscommon	County of Roscommon.
Tralee	County of Kerry.
Tuam	County of Galway.
Tulsk	County of Roscommon.

Commissioners.

MAZIERE BRADY, Esq.
JOHN RICHARD CORBALLIS, Esq.

475

REPORT

ON THE

BOROUGH OF ARDFERT.

CONTENTS.

	Page
Limits	277
Incorporation	277
Corporation, Decline of the	277
Union Compensation	277
Title and Classes	277
Portreeve, his Duties, &c.	277
Burgesses	277
Freemen	277
Courts	277
Record Court	278
Court Leet and Grand Jury	278
Manor Court	278
Petty Sessions	278
Police	278
Gaol	278
Schools	278
Tolls	278
Commons	279
State of the Town	279

BOROUGH OF ARDFERT.

1. THE Borough of Ardfert extends, in one direction, two miles from the town, while in another, a portion of the town itself is outside the Limits, which are not accurately defined. They are said to include the following denominations: the Sheep Walk, Gragne, Killarane, Brandon Well, Kilcieghquane, Laragh, Gortaspidale, and all the commons of Ardfert. The parish of Ardfert is much larger than the borough, and includes it. The copies of the Down Survey, made by General Vallancy, contain a map of the parish and borough. LIMITS.

2. There is no charter of Incorporation of this borough on record, or known to have been granted. It returned Members to Parliament in 1639, and has always been considered a borough by prescription. From manuscripts in the possession of the Crosbie family, who have long been the patrons of the borough, it appears, that in 1688 an effort was made by the then head of the family to obtain a charter, but whether obtained, or, if obtained, whether it was accepted or acted upon by the corporation, has not been further traced. It is probable that no such charter was obtained. The town is spoken of in these manuscripts as a then existing corporation. The only corporate record produced to me was a book of proceedings, commencing 1742, but containing some entries of an earlier date, apparently copied from an older book. The last entry is dated 4th July 1832. This book was in possession of Mrs. Crosbie, at Ardfert Abbey, as guardian to her son. Incorporation.

3. This borough returned two Members to the Irish Parliament, and the right of election was vested in the corporation. At the Union, £15,000 Compensation money, for the loss of this privilege, was paid under 40 Geo. III. c. 34, to the trustees of the marriage settlement of the late Earl of Glandore, then "patron" of the borough. Union Compensation.

4. For some years after the Union, corporate meetings took place for the election of a portreeve and filling up vacancies amongst the burgesses. These meetings were held with regularity during the life of the late Lord Glandore, principally with a view to preserve the corporate property in the commons from encroachment, but much also from an anxiety on the part of his lordship to keep up the name of a corporation in the town; and, in fact, it was little more. The portreeve was generally his lordship's agent, and the burgesses his visitors and friends, and the corporate meetings were scarcely known to the inhabitants. A similar feeling seems principally to have occasioned any such meetings since his death, though held with less regularity, till they have gradually fallen into total disuse. What was described in the evidence as "the last regular corporate meeting," took place in the year 1826, when a portreeve was elected and sworn. It consisted of three persons, Colonel Crosbie, Mr. Leahey, the land agent, and Mr. Wilson, the law agent of the Crosbie family. And although there is an entry of the election of a portreeve, dated 4th July 1832, in the corporation book produced, there is now, in fact, no corporate officer, known as such, unless the poundkeeper may be so considered. A magistrate of the county of Kerry, who had been living close to Ardfert for 10 or 11 years, stated in his examination, that until he heard of an address from the "portreeve, burgesses, and freemen of the town of Ardfert," to his Majesty, on his accession to the throne, which was published in the "London Gazette," he was not aware of the existence of a corporation in the town. Decline of the CORPORATION.

5. The Title of the corporation was, "The Portreeve, Burgesses, and Freemen of the Borough of Ardfert, in the County of Kerry." It consisted of a portreeve, 12 burgesses, and an unlimited number of freemen. Title and Classes.

6. The portreeve was chosen on the 24th June, and sworn into office on the 29th September. The entries in the corporation book show that the freemen, as well as the burgesses occasionally, took part in the election. The portreeve acted as a justice of the peace within the borough, held Courts Leet, and sat as judge in the Borough, or Portreeve's Court. He exercised the power of appointing a deputy. The portreeve had no salary or emoluments, except fees in his court. The last portreeve who appears to have been appointed with any degree of regularity, was the Rev. Mr. Kerin, the curate of the deanery of Ardfert, but he never performed any duty in connexion with the office. This was in 1826. Portreeve, his Duties, &c.

7. The Burgesses were elected from amongst the freemen; being a freeman seems to have been the only necessary qualification. The entries intimate that they were elected, sometimes by the burgesses, and occasionally by the burgesses and freemen. Burgesses.

8. The form of election of Freemen appears to have been similar to that of the burgesses. Residence was not a necessary qualification. In the corporation book there is a list of 150 burgesses and freemen, in 1714. The number attending, latterly, does not appear to have at any time exceeded four. Freemen.

9. The portreeve held a Court of Record and Courts Leet, of the proceedings at which the traces are very imperfect. Courts.

ARDFERT.

Record Court.

The Record Court seems to have adjourned from week to week, and to have proceeded by *capias* and attachment of goods. Juries were empannelled. It was stated that the costs were very heavy, and one instance was mentioned of an action brought for the recovery of £2, in which the costs amounted to £6; this was upwards of 40 years ago. No such court has been held within the borough for the last 20 years.

Court Leet.

Grand Jury.

10. The Court Leet, called also a Court Borough and Town Sessions, was held formerly four times a-year; latterly, once a-month, but not with regularity. It was held before the portreeve, or his deputy. The Grand Jury, sworn upon these occasions, presented small sums of money to be levied on the borough for repairs of the pavement and other local purposes. They also presented nuisances, particularly encroachments on the commons; and, at one period, they nominated appraisers, applotters, a constable, two serjeants at mace, a keeper of the borough marshalsea, and a poundkeeper; the latter officer is the only one of those now known in the borough. He was appointed about 15 years ago by the then portreeve, and, at the same time, sworn appraiser.

Manor Court.

11. By letters patent, bearing date 6th July, 10 James I., (Rot. Pat. 10 Jac. I. p. 1. m. 35.) the privilege of holding Courts Baron and Courts Leet, and other manorial rights, were conferred on Thomas Lord of Kerry, then principal owner of the district. The Earl of Listowel, as now lord of the manor of Ardfert, appoints a seneschal, who holds a Manor Court once every three weeks within the borough, for the trial of actions of debt amounting to 40*s.* of the late Irish currency. The seneschal appoints a clerk and a bailiff. His jurisdiction extends about two miles and a half round the town. The court is held in what was probably the old borough bridewell, for the use of which the seneschal pays the present possessor.

Proceedings and Business in it.

The course of proceeding and costs are regulated by the General Manor Court Acts. Attorneys from Tralee, sometimes, though seldom, attend this court. All trials are by jury, the jurors being summoned from the tenants of the manor by the seneschal's bailiff. They are bound by their leases to attend, and liable to fines for non-attendance. From 10 to 12 processes issue every court day, but of these not more than two, on an average, are brought to trial. The whole number of causes tried in a year does not amount to 30. The seneschal's emoluments, which arise solely from the court fees, are now about £10 a-year. Four years ago they were £25; the decrease is attributable to the holding of petty sessions in the town, and of the county quarter sessions before the assistant barrister at Tralee, which is only five miles distant. At the Petty Sessions Court the costs are much less, and at the quarter sessions, where the costs are not much greater, the suitor has the advantage of having a barrister to determine any legal question.

Petty Sessions.

12. Under the Petty Sessions Act, Petty Sessions are held in the town once a fortnight, which are generally attended by two or three of the county magistrates.

The number of cases disposed of at these sessions, for 12 months, ending 10th October, 1833,

On the criminal side, were - - -	438
And, in the same period, on the civil side -	553
Total - -	991

Attorneys sometimes attend these sessions from Tralee.

Police.

13. Three of the county constabulary are stationed in the town. There is no local Police.

Gaol.

14. From entries in the corporation book, it appears that there was a borough Gaol, or marshalsea, to which the grand jury, at the Court Leet, appointed a gaoler; a place called the bridewell, but not used as such, still exists, the property in which is said to be in dispute between the Crosbie family and the present possessor; it was, probably, the corporate bridewell.

Schools.

15. There is a School in connexion with the London Hibernian Society, attended by about 26 children; and one recently established by the Roman Catholic clergyman, partly by subscription, partly by aid received from the Commissioners of Education, at which from 230 to 270 attend. There was not any establishment of this nature connected with the corporation.

Tolls.

16. Tolls are collected on fair days in the town. There are four fair days, 27th March, Whitmonday, 9th July, and 15th August. No fair is held now on the 27th March. The tolls collected on the first two days were leased by the late Lord Glandore, it is said, as his own private property, to one of his servants, at 1*s.* a-year for 31 years, although, from a perusal of the manuscripts before alluded to, there is some reason to suppose these were once the property of the corporation. The present collector gave £100 for the interest in the lease. He has, also, a lease of the tolls collected on the other two days, from a person who is himself the lessee of Mr. Harrene, the owner of part of the town. These latter produce about £13 a-year profit to the collector.

The collection of these tolls is complained of. The inhabitants derive no benefit whatever from them. The tolls are enforced, in many instances, oppressively, and are a constant subject of dispute, and the disgraceful system prevails of swearing persons passing the toll bars as to whether they have sold or not; when reprimanded by a magistrate for the practice, the collector excused himself by saying that it was not a *Bible*, but an *almanack*, he used on the occasion.

Tolls are collected since 1826, in the altered currency, by which their amount has been

increased, and the collection is not confined to sales made in the public fair; every person selling in his own house, on the fair day, no matter how small the quantity, is compelled to pay toll to the collector. A schedule of these tolls is annexed as now collected. There is no schedule lodged with the clerk of the peace, as required by 57 Geo. III. c. 108, and until lately none was posted.

The above grant of James I. to Thomas Lord of Kerry, gives power to hold a market in Ardfert on Thursday, and a fair on St. Peter and St. Paul's day and the day following, with a Court of Pie Poudre, and the usual tolls.

A Schedule of the Tolls or Customs, payable at the fairs of Ardfert.

	d.
Each Horse	9
„ Cow	6
„ Calf	3
„ Sheep	1
„ Lamb	1
„ Goat	1
„ Pig	3
„ Slip out of a rail, &c.	2
„ Mule	6
„ Ass	3
„ Person selling at home	4
„ Ditto in a hired house	8
„ Tent	8
„ Standing or table	4
„ Possession of wool	4
„ Wooden ware	4
„ Tin ware	4
Flannel or frize, per crown	3

PATRICK LALOR,
Toll Collector.

Commons.

17. The only property now admitted to belong to the corporation is about 200 acres of Commons adjoining the town, and within the corporation limits, valued by an intelligent witness as worth £70 a year. A right of commonage is exercised on these lands, by the inhabitants of the town, but not very strictly enforced. How these commons were originally acquired does not appear. They were formerly very extensive, it is said 1,800 acres, though this seems improbable. Encroachments on these commons have been made from time to time; to prevent which, and preserve the remnant of the property, appears to have been, as already stated, the principal object with the late Lord Glandore in keeping up the office of portreeve; and the more recent nominations of that officer were made with the same view. In the corporation books, several presentments are entered, as passed by the leet grand jury, of encroachments on these commons, and orders made to abate them. A very old witness stated that he remembered when there were not 20 houses, or cabins, on the commons; there are now 100, worth, with the land, about £200 a-year. The encroachments, though resisted by those already in possession of part, and the occasion of constant disputes, have greatly increased of late, and are still going on. Nor are they confined to the poor. It is said 20 or 30 acres have been taken in within the last twenty years. The late Lord Glandore caused ejectments to be brought, about 20 years ago, against the holders of part of these commons, but was unsuccessful. The persons now in occupation are, of course, free from rent, and they also escape all county taxes. It is to be wished that the remaining portion of these commons should be enclosed, and applied to some useful public purpose, in connexion with the town of Ardfert, and immediate steps taken to prevent further encroachments.

It has been suggested as desirable to revive the corporation with this view; but it is evident there are not materials for a corporation in so small and poor a community; and, for the preservation of the commons, it would seem sufficient to vest them in trustees, for such uses as might be deemed advantageous to the inhabitants. For all purposes of local government the county magistracy are sufficient.

State of the Town.

18. Ardfert is a poor and declining village, without trade or manufacture. There are but five slated houses in it; and of houses, worth with the land annexed £10 a-year each, there are not more than 20. The number of thatched cabins in the town is from 80 to 100.

The entire parish of Ardfert contains, by the Population Returns of 1831, 3,585 inhabitants; the town, 717.

JOHN R. CORBALLIS.

Inquiry held at Ardfert, the 19th day of October 1833.

481

REPORT

ON THE

BOROUGH OF ASKEATON.

CONTENTS.

	Page
Limits	283
Charter	283
Title	283
Corporation, Extinction of the	283
Union Compensation	283
Seneschal's Court	283
Petty Sessions	283
Police	284
Schools	284
State and Prospects of the Town	284

BOROUGH OF ASKEATON.

1. THE Limits of the Borough of Askeaton are very small, extending only a short distance round the town. By its charter of incorporation, the town and "all the lands, houses, &c. within it, and within the precincts thereof, are made a free borough." The mears and bounds, as observed and kept from the year 1692 to 1739, are set forth in minute detail in the corporation book of the latter year. LIMITS.

The parish of Askeaton is much more extensive.

2. The borough was incorporated by a Charter, granted in the eleventh year of King James I., the provisions of which resemble those generally contained in the charters granted by that monarch to the then newly incorporated towns in Ireland. The corporation was made to consist of a provost and 12 free burgesses, who were empowered to return two Members to Parliament, the principal object for which the town was incorporated. The election of the provost was directed to be annual, by and from amongst the free burgesses. Vacancies in the number of free burgesses were to be filled up by the provost and free burgesses, from amongst the "better and more honest of the inhabitants of the said borough." The burgesses held for life. The corporation were empowered to have a Court of Record to be held before the provost on every Monday in each week, for the trial of all actions personal, to the extent of five marks; these, with the ordinary powers of making bye-laws, imposing fines, appointing serjeants at mace and other inferior municipal officers, are the leading provisions of the charter. It is enrolled. (Rot. Pat. 11 Jac. I. p. 1. m. 36.) CHARTER, and its Provisions.

3. The Title of the corporation was "The Provost, Free Burgesses, and Commonalty of the Borough of Askeaton." Title.

4. The corporation, which from the principle of self-election in its constitution at once became a perfectly close borough, continued to act under this charter until the Union, when it lost the privilege of returning Members to Parliament. Extinction of the CORPORATION.

A sum of £15,000, Compensation Money, was paid by the commissioners under the 40 Geo. III. c. 34, to the following persons, in the proportions annexed to their respective names: Union Compensation.

Earl of Carrick - - - - - - - - - -	£6,850
The Trustees of the will of Hugh Lord Massey, to the uses of his will - - - - - - - - - -	6,850
Sir Joseph Hoare, Baronet - - - - - -	200
Sir Vere Hunt, Baronet - - - - - - -	1,100

Lords Carrick and Massey were the patrons of the borough. This corporation has since become extinct; and at the time of our visit so little was known of it in the town, that we found it difficult to obtain any evidence of its former existence; no corporate meeting had been known to have taken place, or any corporate officer to have been appointed since the Union. The Provost's Court, which had been held previously, had fallen into total disuse, and there was no trace to be found of any corporate property.

Entries in the Corporation Book, which is at Limerick, in the possession of the law agent of Lords Carrick and Massey, state that a provost and deputy provost were chosen at a court held in 1804; this is the last entry of any corporate proceedings. Neither of these officers appears to have acted in the borough after their appointment. The power of appointing a deputy provost is not given by the charter. Freemen were admitted in 1775. Corporation Book.

The name of common council occurs in the proceedings; whether this was a body distinct from the provost and burgesses, or only another designation of them, does not appear.

A schedule of customs and duties as collected by the corporation, is given in this book; and, by a resolution of the body in 1797, a custom duty of 6*s.* is imposed on every sloop or large vessel anchoring within the precincts of the corporation, and 6*d.* on every boat.

We cannot trace from what authority this was derived, or whether enforced, or to what purpose applied. Tolls are now collected in the town, but are stated to be private property. Power to hold a market on Wednesday and Saturday, and a fair on the 20th July and day following, in Askeaton, was granted by James I. to Sir Francis Berkeley. (Pat. 8 Jac. I. p. 1. m. 17.)

5. A Seneschal's Court was held within the borough until within the last three years. The seneschal was appointed by Sir Matthew Blackiston, lord of the manor of Askeaton, which is considerably more extensive than the borough. The jurisdiction of the court extended to £10 Irish. This court has been discontinued in consequence of the establishment of petty sessions in the town, to which the principal business was transferred. Seneschal's Court.

6. Petty Sessions are held once a fortnight, at which claims for labourers' wages and petty assaults are disposed of, generally before two, three, or four county magistrates; and cases of more importance are tried at the quarter sessions for the county, which sits at Rathkeale, Petty Sessions.

ASKEATON.

Police.

five miles distant, four times in the year. Six of the county constabulary are stationed in the town.

Schools.

7. There are two Schools; one established by the Protestant, and the other by the Roman Catholic clergyman of the parish.

State and Prospects of the Town.

8. The town is conveniently situated for trade from having the advantage of a river passing through it to the Shannon, by which vessels of small burden can come up to the town at full tide. The trade in corn is increasing; but the town is said not to be improving.

The Population Returns of 1831 state that the town contains 1,515 inhabitants; and the number of inhabited houses appears, by the same authority, to be 247, but of these about 20 only are slated.

The number of families employed in agriculture, by the same Returns, is 108.

Of families chiefly employed in trade, manufactures, and handicraft, 118.

There are not any circumstances calling for the revival of corporate institutions in so small a community.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Askeaton, 14th October 1833.

485

REPORT

ON THE

BOROUGH OF ATHENRY.

CONTENTS.

	Page
Limits	287
Charters	287
Title	288
Classes	288
Officers	288
Portreeve, how elected, his Duties, &c.	288
Burgesses, Functions, Privileges	288
Union Compensation	289
Freemen	289
Minor Officers, how elected	289
Serjeant at Mace, his Duty, &c.	289
Craner	289
Poundkeeper	289
Jurisdiction	289
Borough Court	289
Costs in	289
Abuses in	289
Criminal Jurisdiction	290
Petty Sessions	290
Police	290
Gaol	290
Fairs and Markets	290
Property	290
Tolls	291
Patronage	291
State and Prospects of the Town	291
Population and Statistics	291
General Remarks	291
Document sent	291

BOROUGH OF ATHENRY.

LIMITS.

1. THE Limits of the Borough of Athenry comprise the town and a surrounding agricultural district, of considerable extent, called "The Liberties," reaching on the west towards the village of Oranmore, about three and a half Irish miles, and in other directions about one. The boundaries are not accurately defined. A map described, in the Reports of the Commissioners of Public Records in Ireland, (vol. i. p. 502,) as a map of the liberties of Athenry, is extant amongst the Down Survey maps in the surveyor general's office, Dublin; but on examination of this map it was found to contain only a certain portion of the liberties, together with the town, surveyed for the purpose of a grant from the Government of the period (1657.) The following note is affixed thereto: "Note. That the lands unto which this hath reference is thus bounded, viz.: on the north, by the lands of Carnone, Cahirmac-crenoge, Carrowtubber, Cloonebulleagh, and Kilcornan; on the east, by the lands of Glones *alias* Glewes, Bruskagh and Raghcurgan; on the south, by the lands of Moade, Polenahane, Monahege, Ballinmeda; and on the west, by the lands of Aghram." But the townlands of Carnane, Cahir-mac-Crenoge, Carrowtubber, Cloonebulleagh, Glewes, and Ballinameda, so mentioned as bounding the lands surveyed, are all stated on the same map to be "of the parish liberties and half-barony of Athenry."

CHARTERS.

2. This borough is very ancient, and was for some time after the first settlement of the English in Ireland a place of considerable consequence. There was a Murage Grant made to the "bailiffs and honest men of Athenry," in 4 Edward II., (14th October 1310,) from the language of which it would appear that the borough had been previously incorporated. It probably exists by prescription. Writs of the 1st, 4th, 8th, and 18th years of Richard II. are extant, showing that it then returned Members to Parliament.

Murage Grant, Edward II.

There is a Fiant for a Charter of Queen Elizabeth, in the rolls office, without date, but reciting her letters from Greenwich, of the 20th May, in the sixteenth year of her reign, (1574,) by which she grants to the portreeve (or provost) and burgesses of Athenry, the power of choosing a provost at the time and in manner hereinafter mentioned; of appointing a common clerk, and "all officers as Trim used;" of holding a Hundred Court once a fortnight for all pleas, real as well as personal, save and except rape, arson, forestalling, and treasure trove, as in Trim, and another court from day to day, for all pleas and actions of debt, as Trim used and had; to have a gaol; to have an assize of bread and all other victuals, and all profits thereon; to have the return of all writs, with a non-intromittent clause as to all other the Queens' officers and servants, except in default of the provost. Express power was given to punish all affrays and bloodshedding, and all regraters, by fine or imprisonment in the borough gaol. The provost or his deputy with other discreet men, to be chosen for that purpose, were empowered to raise talliages and subsidies for the uses of the corporation. Exemption from arrest, except for debts, &c. contracted within the town; freedom from pontage, murage, and other the like customs and impositions, for all their goods throughout the kingdom, "as Trim used," and exemption from serving on juries out of the liberties, or from being indicted out of the town, were conferred on the provost and burgesses. A Court of Conscience with jurisdiction as far as 6*d.*, power to hold Fairs, and a Court of Pie Poudre, were also given. The provost was enabled to call four or more of his fellow burgesses to assist his judgment, in case of difficulty. He was created a justice of the peace within the bounds and liberties and "cross of the same." He was empowered to summon, array, and assess all persons within and without the liberties and cross of the same, in defence of the town and for the preservation of the peace, according to the statutes of Wilton, Kilkenny, and Dublin, and all former privileges and immunities were thereby further confirmed.

Fiant of Queen Elizabeth.

By another Fiant, bearing date 8th July, in the same year, also in the rolls office, the Queen granted to the portreeve and burgesses the site and precincts of the monastery of St. Dominick's Abbey of Athenry, commonly called "The Preaching Friars," with other lands and premises in the county of Galway. And in 1578, by a further grant to the portreeve, burgesses, and commons of Athenry, the rectories of Mountermoroghe Killmakryan, and divers other rectories and tithes in the county of Galway, the abbey of Mayo, in the county Mayo, and the Grange of O'Fallon, in the county of Roscommon, were conferred upon them.

In the troubles of the subsequent periods these possessions and privileges would seem to have become forfeited; for King Charles II., by his Letters under privy seal, bearing date the 26th June, thirteenth year of his reign, (1662,) and enrolled in the rolls office, (14 Car. II. p. 3. m. 22.) reciting the petition "of the ancient inhabitants, natives, and freemen of the old corporation of Athenry;" and that they had been "constant in their adherence to the Lord Marquis of Clanricard's directions, being governor, by commission of his royal father, of the county of Galway;" and further reciting "that a great part of the said town chiefly belonged to the Lord Baron Athenry, for whose restitution he had provided;" orders, "that the said baron, inhabitants, and freemen, excepting such as had been disloyal and disobedient to his government, should be forthwith restored and established in the possession of the said town and

Letters of King Charles II.

ATHENRY.

corporation, together with all and every their rights, interests, and estates, and all their freedoms, privileges, and immunities therein and thereunto belonging;" and the barons of the Court of Exchequer were required thereby "to cause all sums of money and other matters remaining in charge upon the said premises, or any part thereof in that court, by reason of any acting of the usurped power, to be vacated and put out of charge;" and persons deriving from the "late usurped power" were required to permit the petitioners to possess and enjoy the said premises without interruption.

Charter of James II.

A Charter was granted to Athenry by James II., in the fourth year of his reign, reciting a seizure into the king's hands, in the Court of Exchequer, of the former corporate franchises; but this does not appear to have been accepted or acted upon. It is enrolled. (Rot. Pat. 4 Jac. II. p. 1. m. 52.)

No charter is found on record as having actually issued on the Fiant of Queen Elizabeth before mentioned; but the Fiant is looked upon as of equal authority, and is that under which the officers still profess to act, although several of its most important provisions have fallen into total disuse.

None of the originals of the foregoing grants nor any copies of them are in the possession of the corporation.

Books of Proceedings.

There was but one book of proceedings of the corporation produced to me. It contains a few irregular entries of modern date, and an abstract of the Fiant of Elizabeth.

Title.

3. The Title of the corporation is, "The Portreeve, Burgesses, and Freemen of the Corporation of the Town and Liberties of Athenry," and the corporate body consists of a portreeve or provost, burgesses, and freemen. The number of the burgesses or freemen is not defined by charter or usage.

Classes.

Officers.

4. The Fiant of Elizabeth empowers the provost or portreeve and burgesses to appoint a "common clerk," and all "such other necessary servants as Trim used;" but the only officers now known, besides the portreeve, are,

A Serjeant at Mace,
Craner,
Poundkeeper,
Two Appraisers, and
A Bellman.

Portreeve, how elected.

5. By the Fiant of Elizabeth it is provided that the provost should be chosen on the feast of the exaltation of the Holy Cross (14th September) by the provost or his deputy for the time being, and the major part of the burgesses. He was required to be "one of the burgesses then resident," and to be sworn at the time of his election, or if absent, as soon as he should return, or his deputy, in case of his absence, before the feast of St. Michael, so as to begin the execution of his office on that day. An election of portreeve now takes place by the portreeve and burgesses on the 14th September, in each year. The portreeve elected is one of three burgesses put in nomination on the preceding day, by the same body; he is not now sworn in till the 29th September, when he enters upon office, and continues for a year. The present portreeve has been re-elected every year since 1817.

Deputy.

The portreeve has a power to appoint a Deputy, in his absence, from amongst the burgesses, "for whom he should be answerable;" and the present portreeve had been deputy to his predecessor, who had in like manner been re-elected for a number of years. He has never appointed a deputy. In fact, the election is merely formal; the portreeve being in reality nominated by Theophilus Blakeney, Esq. of Abbert, a gentleman residing in the neighbourhood, and described by the portreeve, in his evidence, as the "owner of the borough and of the corporation property in the town."

Functions and Emoluments.

6. Several of the various Functions given to the portreeve have fallen into disuse, but he still acts as a justice of the peace, and clerk of the market within the borough limits, and presides, as sole judge, in the Borough Court; his Emoluments arise from certain court fees amounting probably to about £30 a-year; from the receipt of the tolls of the town which are about £40, and the rent of certain plots of land, at present producing £3 10*s.* late Irish currency; he has, besides, the use of the Tholsel Court as a residence, which is valued at £15 per annum. The whole income of the office may be thus estimated at about £90. As portreeve, he has, under Mr. Blakeney, the patron of the borough, the appointment to all the corporate offices. The provost and burgesses of Athenry are, by the Fiant of Elizabeth, free of all murage, pavage, pontage, and all other the like customs and impositions, for all their goods throughout the kingdom as Trim used; and in the charter of Henry VIII. to the corporation of Galway, there is a special saving to the provost and burgesses of Athenry of their accustomed franchises and privileges in the town and port of Galway. Exemption from toll was recently claimed by the present portreeve at Galway, under this authority, but the claim was not admitted.

Burgesses, Number of; how elected.

7. The Fiant does not determine the mode of Election of the Burgesses or their number. They are in form nominated on one day, elected the next, and sworn on the 29th September. They hold their office for life. Except the nominal part they take in the election of the portreeve and fellow burgesses, at the annual meetings in September, they have no functions, and enjoy no privileges or emoluments whatsoever, save exemption from the tolls of the town.

There are supposed to be 20 burgesses now living, five only of whom, including the portreeve, are resident; of these five, three were elected or rather nominated by the portreeve within the last two years, a certain number of burgesses being necessary, as stated by the portreeve, to constitute a corporate meeting. The three persons so nominated by him were

his son and two cousins. The usual number attending is three or four, with the portreeve.

8. The portreeve and burgesses had the return of two Members to the Irish Parliament, for the loss of which privilege £15,000, Compensation money, were paid at the Union to the trustees of the marriage settlement of Theophilus Blakeney, Esq., the patron of the borough. Union Compensation.

9. No Freemen have been admitted of late, and there are but three now living. There is no recognised title to freedom; none of the present freemen have ever attended any corporate meeting, though said to be entitled to do so. The only privilege freemen enjoy is that of being free of tolls in the town. Freemen.

10. The serjeant at mace, craner, poundkeeper, appraisers, and bellman are all appointed annually, by the portreeve. The same individuals are always reappointed and resworn every year at Michaelmas. Minor Officers, how elected.

11. The Duty of the Serjeant at Mace is to serve the process and execute the decrees of the Borough Court, for the performance of which he receives a fee, varying without any fixed rule from 8*d.* to 2*s.* 6*d.*, according to the amount of the debt, the distance at which the process is to be served, and the trouble he may be put to. Some years ago these fees amounted to about £30 a-year, they do not now exceed £5; when goods are brought to sale under a decree, which is a rare occurrence, the serjeant at mace acts as auctioneer, for which he receives a fee of 2*s.* The serjeant at mace also summons juries when required. Complaints were made of the dilatoriness of this officer in executing the decrees of the court; but, on investigation of the cases, any delay appeared rather to arise from a lenient feeling towards the debtor, than from a corrupt motive in the officer. The want of any fixed rule in the amount of fees to be paid to him, may lead to oppression. Serjeant at Mace, his Duty.

12. The duties of the Craner or weighmaster, besides those which the name of the office indicates, are to assist the portreeve in the examination of weights and measures in the town. His emoluments, which arise from cranage fees, are about £6 a-year. These fees consist in part, of a charge on weighing potatoes, notwithstanding the prohibition of the 25 Geo. II. c. 15. s. 12. Craner.

13. The Poundkeeper has no salary; his fees are those prescribed by the Poundkeeper's Act, 6 Geo. IV. c. 43. Poundkeeper.

14. By the provisions of the Fiant of Elizabeth, the corporation is empowered to hold a "Hundred Court before the provost or his deputy from fortnight to fortnight, and another court from day to day, from hour to hour, and from time to time, and to hold a Court of Pleas as Trim used to do." A court called a Town Court or the Portreeve's Court is now held as often as there is any business to be done, which is latterly very seldom. It is held generally on Monday, not in any fixed court-house or place, but in different parts of the town. The portreeve presides; he is not a professional person, nor is it required by the charters that he should be so. It is a court for all pleas, real and personal, to an unlimited amount. The mode of proceeding is: after demand and refusal of the debt, the creditor serves a copy of his account, setting forth the particulars of his demand, on the portreeve, and makes an affidavit of the debt, and that the party has goods within the jurisdiction, whereupon an attachment is issued by the portreeve against the debtor's goods; this writ is executed by the serjeant at mace. Cattle seized are brought to the borough pound, other effects to the tholsel house, unless the debtor give security either to pay the debt or appear at the trial. The security is given to the portreeve, who thereupon considers himself responsible to the party for the amount of the debt. If the debt is disputed, a jury of 12 of the inhabitants of the town is summoned by the serjeant at mace and sworn, and the trial proceeds in the ordinary way. The jurors are generally the same individuals. There are no formal pleadings; in four days after the trial the plaintiff, if successful, is entitled to a decree, and, unless in case of an adjournment, the whole suit, from the issuing of the attachment to the levying of the execution, does not occupy more than ten days. Borough Court.

There are no regular court fees. The portreeve stated his rule to be, to require from 1*s.* to 5*s.*, varying in proportion to the amount of the debt, as a fee on issuing the "action," and 1*s.* in the pound from the defendant on the decree; 5*s.* is payable to the portreeve by the defendant for a dismiss. Costs.

15. There does not seem, however, to be any uniform practice as to the amount of these fees. One instance occurred recently, where on a decree for £37 10*s.* the portreeve required but 10*s.*, while on another for £2 19*s.* 7*d.* he actually received 15*s.* for the decree, besides 2*s.* 6*d.* paid for the action, or attachment, in the first instance. Great and well founded complaints are made of these exactions, for such they are, as well as of a discretionary power claimed by the portreeve, of issuing or altogether withholding the writs at his pleasure. Abuses.

A recent case occurred in which this discretion seems to have been exercised in an extraordinary manner. An application had been made to the portreeve by a tradesman of the town for an "action," to recover a sum of £37 from a neighbouring gentleman. When the application was first made, the portreeve (between whom and the debtor there existed a previous intimacy) was assured by the latter that no such money was due, and that he had a receipt from the claimant for the amount; upon which the portreeve, without further inquiry, peremptorily refused the writ, although the usual fee (of 5*s.*) was tendered to him for it. The claimant stated, that being from poverty unable to proceed in the superior courts, he lost the debt. Strange as this statement must appear, the portreeve not only admitted its truth, but justified himself on these grounds: that it was to prevent litigation;

ATHENRY.

that the debtor had threatened to sue out a *certiorari* to remove the action, which would have put him (the portreeve) to the trouble and expense of employing professional aid, to enable him to make a proper return; and that he did not think it fit to arrest the goods of a gentleman who had a receipt to produce; admitting, however, that he did not see the alleged receipt. The mode of administering justice in this court, is a subject of general dissatisfaction to the town and liberties, and indeed cannot be too strongly censured.

Removal of Causes.

Causes are sometimes removed by *certiorari* to the superior courts; only three of these writs have been issued in the last 16 years. There are now no attorneys regularly practising in the court; formerly there were. They were sworn and admitted practitioners of the Corporation Court.

The number of actions issued from the 1st January 1832 to the 21st September 1833, was about 20, of which 14 went to trial. The sums for which those proceedings were instituted varied from £1 to £37, but by far the greater part under £10.

The assistant barrister for the county Galway sits for the district in which Athenry is situated, at Loughrea, Gort, and Eyre Court. Loughrea is about 12, Gort 18, and Eyre Court 30 statute miles from Athenry; notwithstanding the necessary inconvenience to the suitors of attending at these distances, causes are brought to the Assistant Barrister's Court from the borough limits; a circumstance which, of itself, proves the dissatisfaction of the inhabitants with the Borough Court.

Criminal Jurisdiction.

16. There is no Criminal Jurisdiction now exercised by the corporation, except so far as the portreeve acts in his character of justice of the peace.

Petty Sessions.

17. Petty Sessions are held in the town every Friday, which are attended generally by three of the county Magistrates, one of whom stated, that, as a county magistrate, he had no right to act within the borough, and never did. The portreeve does not attend these sessions. Petty assaults, malicious trespasses, and claims for servants' and labourers' wages are disposed of.

The number of criminal cases disposed of at petty sessions, from the 21st September 1832 to 20th September 1833, was	448
And of civil proceedings	604
Total	1052

Police.

18. There is no local Police, unless the serjeant at mace can be so considered. A few of the county constabulary are stationed in the town. The streets are repaired by county presentment. The town is not lighted.

Gaol.

19. The Fiant of Elizabeth enables the corporation to have a Gaol, and empowers the portreeve to appoint a gaoler. It is said there was a gaol formerly in the town, but there is none at present. The want of some place of temporary confinement is complained of by the county magistrates, who, in case of a committal late in the evening, are, in consequence, either obliged to detain the prisoner in the police barrack for the night, or transmit him to the county gaol at Galway, a distance of 14 miles.

Fairs and Markets.

20. There are three Fairs in the year; that held in July is considerable; and there is a weekly Market.

The following grants of fairs and markets to be held in this borough, appear on record:

Date of Grant.	Enrolment.	Grantee.	Fairs and Markets.
8th July 1574.	Fiant, 16 Elizabeth.	Corporation.	Market on St. John's Day.
13th April 1629.	Rot. Pat. 5 Charles I. p. 1. m. 3. d.	Sir Will. Parsons, Bart.	Market on Saturday, and Fair 18th October and day following.

Property.

21. The Property of the corporation, which appears by the ancient grants before referred to, to have been once so extensive, now consists of merely,

The tholsel house, said to be worth about £15 per annum;
Two plots of ground, now producing a rent of £3 10*s.* late Irish currency;
The tolls of the town, worth about £40;
And the borough pound.

The whole of the above, except the pound, were demised to the present portreeve, by Mr. Blakeney, at 1*s.* a year for the term of his (the portreeve's) life, and seven years. This lease was not produced to me.

It is calculated that the plots of ground, if out of lease, would, by putting the cottages on them in repair, produce about £50 per annum.

It was stated on the authority of a deceased portreeve, that a strip of ground 18 feet, all round the ancient walls of the town, was corporate property.

The large possessions of this corporation conferred by Queen Elizabeth have long been alienated. The site of St. Dominick's Abbey is now part of the estate of a neighbouring magistrate of the county.

The entire present income of the corporation is appropriated to the use of the portreeve.

The only instrument appearing to be registered as an act of the corporation, is a lease of a house within the borough, bearing date 1st May 1738, from the portreeve and burgesses of the borough of Athenry, to Robert Persse, for a term of 199 years, at an annual rent of 2*s.* 6*d.*

Tolls.

22. The Tolls, which are collected on market as well as fair days, and which form so considerable a portion of the corporate property, are claimed by usage and charter; they are much complained of by the inhabitants, both for their amount, the mode of their collection, and the appropriation of them. A schedule of these tolls is herewith sent, as furnished by the portreeve; by which it appears that many of the charges are very objectionable, and that the improper, if not illegal practice, of administering oaths to persons liable to toll, is expressly made part of the system of collection. It is alleged that the collection of reasonable tolls would not be objected to, if applied to any public purpose. They are now stated to be an injury to the town; and the markets of the neighbouring villages of Monivea and Gurteen, which are toll free, are represented as rising into importance at the expense of Athenry. It must also be observed, that the tolls occasionally give rise to disputes, which are adjudicated upon by the portreeve, who is himself the beneficial owner of them.

Patronage.

23. There is no ecclesiastical Patronage now belonging to the corporation. The very extensive grants of advowsons and tithes contained in the patent of Queen Elizabeth, of 1578, if ever in possession of the corporation, must have been surrendered, or seized into the hands of the Crown, at a very remote period; as they appear to have been the subject of different grants from the Crown to private individuals in the seventeenth century.*

State and Prospects.

24. The appearance of the town is said to be improving within the last few years. It has not increased in trade. Hopes of improvement in this respect, are, however, entertained by some, from a new line of road between Ballinasloe and Galway.

The number of houses paying from £10 to £20 per annum rent, are about 20.

Population.

The following Table is confined to the town, and exhibits its state and Population in 1831:

Houses inhabited - - - - -	248
Ditto building - - - - -	8
Ditto uninhabited - - - - -	9
Families - - - - - -	269
Persons - - - - - -	1,319
Employed in retail trade or handicraft -	156
Professional and other educated men -	15

General Remarks.

25. It is difficult to say what advantage such a corporation as described in this Report, however reformed, could be to so small a community, nor does its continuance seem to be desired by the inhabitants, as far as municipal government is concerned. The present body is of no public utility, and decidedly unpopular. The corporate property, instead of being, as it now is, applied to the private use of an individual, might be advantageously employed in objects of local improvement, which would be further advanced by the total abolition of the tolls.

Document sent.

26. A copy of the Schedule of Tolls is sent with this Report.

JOHN R. CORBALLIS.

Inquiry held at Athenry, 21st September 1833.

* Erck's Ecclesiastical Register, p. 228.

493

REPORT

ON THE

BOROUGH OF CASTLEBAR.

CONTENTS.

	Page
Limits	295
Charters	295
Union Compensation	295
Title	295
Officers	295
Portreeve	295
Burgesses	295
Other Officers	295
Freemen	295
Jurisdiction	295
Court of Record	295
Manor Court	295
Assistant Barrister's Court	296
Petty Sessions	296
Police	296
Gaol	296
Tolls	296
State and Prospects of the Town	296
Statistical Details	296

BOROUGH OF CASTLEBAR.

1. THE Limits of this Borough comprise the town of Castlebar, and the space of about a mile round it in every direction. LIMITS.

2. The first Charter we have found is dated in the eleventh year of James I., and to the latest period at which the corporation was in activity, the provisions of this charter were observed in its constitution. It is enrolled. (Rot. Pat. 11 Jac. I. p. 1. m. 4.) CHARTERS. James I.

A charter is extant to this corporation, dated the fifth year of James II., but which does not appear to have been acted on. It is also enrolled. (Rot. Pat. 5 Jac. II. p. 1. m. 37.) James II.

The chief privilege of the corporation, that of returning two Members to the Irish Parliament, ceased at the Union, when the sum of £15,000 was paid to Richard Earl of Lucan, the patron of the borough, as Compensation for its loss; and from that event until the year 1824, corporate officers were occasionally appointed. Some of the members are still living, but there has not, since that year, been any corporate meeting, and, for practical purposes, the corporation may be considered as having ceased to exist for the last 10 years. Union Compensation.

3. The corporation, by the charter of James I., should consist of a portreeve, 15 free burgesses, and a commonalty; and its Title is, "The Portreeve, Free Burgesses, and Commonalty of the Town of Castlebar." Title.

4. Power to have two serjeants at mace is given by the charter, and a town clerk appears to have been appointed by the corporation, though no mention is made of the latter officer in the charter. Officers.

5. The charter directs that the Portreeve shall be elected annually by the free burgesses on St. John's day, to hold office from the Michaelmas day following. He must be a free burgess. Portreeve, Election of.

The portreeve acted as a magistrate within the limits of the corporation, and as clerk of the markets, and held the Borough Court. Duties and Emoluments of.

He had not any Salary or Emoluments.

6. The Burgesses were elected for life. The portreeve and burgesses filled up vacancies as they occurred, and non-residents were occasionally elected. Burgesses, how elected, and

Except in the election of Members of Parliament and corporate officers, the burgesses had not any duties to perform.

The number by the charter was 15; the number of burgesses now living was stated to us not to exceed six.

7. The town clerks and serjeants at mace were appointed by the portreeve and burgesses. The duties were those generally attached to such offices. The latter acted as constables in the borough, a duty now performed by the county police. Other Officers.

8. The charter provided that the inhabitants, and others, whom the portreeve and burgesses might choose, should be of the commonalty. This provision, in practice, vesting the power of exclusion in the portreeve and burgesses, appears to have operated to the extinction of the Freemen, as a class. We did not find any trace of their existence in modern times, nor of any privileges enjoyed by them. Freemen.

We did not find that any guild of trade existed in this corporation, or that the trade of the town was under any peculiar restrictions.

9. The corporation had not any exclusive or criminal Jurisdiction. Jurisdiction.

10. The portreeve is, by the charter, empowered to hold a Court of Record on every Monday, for trial of pleas not exceeding five marks. This court was held while the office of portreeve was kept up. The amount of causes varied from 6 to 20 in each month. They were tried by juries of 12 inhabitants, and generally on the next court day after service of the summons, which was the mode of commencing actions in the court. The costs are stated not to have exceeded 5*s.* 6*d.*, including the summons, warrant and town clerk's fees. It would seem, from this statement, that proceedings were adopted similar to those of the civil bill jurisdiction. It was considered a very useful court, and its having been discontinued, which has happened in consequence of there not being a portreeve to hold it, is regretted. The portreeve had not any emolument from the fees. Court of Record.

11. The place of this court was, for some years, supplied by a Court held for the Manor of Castlebar by a seneschal appointed by Lord Lucan, who is owner of the town, and lord of the manor. The jurisdiction of this court is unlimited in amount; it sat once a month, and the number of causes in each month was from 15 to 20. They were tried by 12 jurors, summoned from the respectable inhabitants of the manor, which is more extensive than the limits of the borough. The proceedings were by civil bill under the statutes regulating Manor Courts, with an appeal to the judges of assize; the costs were as prescribed by those Acts. The recent visitation of cholera occasioned the discontinuance of this court, and it had Manor Court.

CASTLEBAR.

not been resumed at the time of our visit. But the seneschal stated his intention to resume it.

Assistant Barrister's Court.

12. The Assistant Barrister of the county of Mayo sits twice in the year at Castlebar, for trial of civil bills. He also sits at Ballina and Westport, the latter eight miles, the former 16, from Castlebar; but it seems to be desired by the inhabitants, that either the corporation or Manor Court should be resumed for the recovery of small debts. The latter has advantages in the amount of jurisdiction, and the right of appeal. The trial by jury is common to both, and forms an inducement to their being preferred to the Court of the Assistant Barrister. These considerations, and the inconvenience and loss of time in attending at the sessions, have led to several applications to the seneschal to resume business in the Manor Court. The proceedings of the Borough and Manor Courts, when in operation, are stated to have given satisfaction.

Petty Sessions.

13. Petty Sessions are held in the town every Saturday by the resident county magistrates.

Castlebar is the assizes town of the county.

Police.

14. The only Police in the town are a portion of the county constabulary force.

The town is not lighted or watched. The streets are repaired by county presentment.

An attempt was made to introduce the provisions of the Paving and Lighting Act, 9 Geo. IV. c. 82, but failed.

Gaol.

15. The Gaol of the county is situated within the borough limits. There is not any gaol which belonged to the corporation.

The corporation has not, nor ever had, that we can discover, any patronage or property.

Tolls.

The Tolls of the fairs and markets are the property of the Earl of Lucan. They were demised by him at £72 a-year. They have not been collected for some time; but we were informed it was his Lordship's intention to resume the collection. Two grants were made by James I. to Sir John Bingham Knight, ancestor of the Earl of Lucan, one in the seventh, and the other in the eighteenth year of his reign. (Pat. 7 Jac. I. p. 1. m. 25. and 18 Jac. I. p. 2. m. 41.) The former gave him power to hold a market on Saturday, and a fair on the first day of May, and two days after, while he or his heirs have any interest in the castle or town of Castlebar. The latter granted a fair to be held at Castlebar on the 11th November.

State and Prospects of the Town.

16. The Trade of the Town is not considerable, but, with the exception of the linen trade, it is said to be increasing, and the town itself to be in a state of improvement.

All the witnesses examined before us concurred in wishing for the re-establishment of the corporation on a liberal and open arrangement, such as would give to the respectable householders, within the corporate limits, the election of a council for the local government of the town. Differences of opinion were expressed as to the amount of qualification to be required in the electors, as well as to the numbers of which the council should consist; but all agreed in the principle of local self-government. The want of a resident magistrate, whose duty it would be to look after the markets, has been much felt since the discontinuance of the office of portreeve. And, although market juries are still occasionally sworn under the authority of the Market Jury Act, it appears that the markets are not efficiently attended to.

Statistical Details.

17. The town of Castlebar, according to the Population Returns of 1831, contained,

Houses inhabited	840
Ditto building	11
Ditto uninhabited	58
Families chiefly employed in agriculture	34
Ditto in trade, manufactures, and handicraft	515
Ditto not comprised in the two preceding classes	647
Persons: males, 2987; females, 3386. Total	6,373
Employed in retail trade, or handicraft	651
Capitalists, bankers, professional and other educated men	92
The population in 1821 was	5,404
Increase in 10 years	969

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Castlebar, 9th September 1833.

497

REPORT

ON THE

BOROUGH OF DINGLE, OR DINGLE-I-COUCH.

CONTENTS.

	Page
Limits	299
Charter	299
Title	299
Officers	299
Sovereign, how elected	299
Functions and Emoluments of	299
Burgesses	299
Freemen	300
Recorder	300
Town Clerk	300
Serjeants at Mace	300
Weighmaster	300
Poundkeeper	300
Jurisdiction	300
Quarter Sessions and Grand Juries	301
Tholsel Court	301
Court of Conscience	301
Observations on these Courts	302
Petty Sessions	302
Police	302
Ports of Ventry, &c.	302
Extension of Jurisdiction	302
Gaol	302
Revenue	302
Customs	302
Schedule of Customs	302
Observations thereon	303
Market House	303
Fines and Amercements	303
Commons	303
Encroachments	303
The Green	304
Patronage	304
State and Prospects of the Town	304
Statistical Details	304
Population	304
Import and Export Trade	305
General Observations	305

BOROUGH OF DINGLE, OR DINGLE-I-COUCH.

1. THE Town of Dingle and a circuit of two Irish miles by sea and land, measured from the parish church of the town, form the district comprised within the jurisdiction of the corporation; this district includes the parishes of Dingle, Kildrum, Garfinny, South Clahane, and part of the parish of Kinnard. There is an incomplete map of the borough in general Vallancey's copy of the Down Survey. LIMITS.

2. Queen Elizabeth, in the twenty-eighth year of her reign, (14th December 1585,) signed a warrant for the grant of a Charter incorporating the inhabitants of this town, but the charter was not actually granted until the reign of her successor. This is the only charter known to the corporation, and that on which they profess to act. It is granted to the "sovereign, burgesses, and commonalty;" from which it would appear that the corporation was then in existence, probably under the authority of the warrant of Elizabeth. This town, however, under the name of Dingle-i-Couch, is found among those which sent Members to Parliament in the 27 Elizabeth. This charter is enrolled. (Rot. Pat. 5 Jac. I. p. 1. m. 39.) CHARTER. 4 James I.

3. The Title of the corporation is "The Sovereign, Burgesses, and Commonalty of the Town of Dingle-i-Couch." Title.

4. The corporation is composed of a sovereign, 12 burgesses, including the sovereign, and an indefinite number of freemen. The Officers are a recorder, town clerk, two serjeants at mace, weighmaster, and poundkeeper, none of whom are mentioned in the charter. Officers.

There is no select body or common council.

5. The Sovereign is elected annually on the feast of St. James, out of the burgesses, by the sovereign, burgesses, and freemen; but by the charter he may be elected out of the burgesses or freemen. He is elected for a year ending on the feast of St. Michael, and should be sworn in before his predecessor in office on the 29th September. The present sovereign, John Hickson, Esq. was elected, (under the authority of the statute 19 Geo. II. c. 12. s. 7.) on default of the attendance of the sovereign elect, John Townshend, Esq., who is the patron of the borough, to be sworn in. Mr. Hickson, who is also general agent to the patron, was first elected sovereign in 1818. He has been since frequently elected; and when Mr. Townshend was elected and sworn, Mr. Hickson has been appointed his deputy. The latter has thus, in fact, been the acting sovereign for several years. There is not any power of appointing a deputy given by the charter. Sovereign, how elected, and

6. The sovereign is by charter a justice of the peace within the borough, with power to hear and determine all crimes, &c., except murder, felony, rebellion, and other crimes affecting life or limb. He is made escheator and coroner within the borough, and the charter also gives him the exclusive return of writs; but these powers do not appear to be strictly exercised, the justices of the peace, coroner, and sheriffs of the county of Kerry now acting within the corporate limits without objection. The sovereign acts also as a justice of the peace for the county at large, a power which we do not find to be given to him by the charter. He also acts as clerk of the markets, and has occasionally, but not of late years, sworn market juries. his Functions.

It seems to be doubtful whether the sovereign is the judge of the Civil Court of the Borough; the recorder, before whom it is held, having been for many years elected sovereign or appointed deputy sovereign, to prevent any question being raised as to the power of the recorder, as such, to hold the court.

The sovereign has been permitted to take to his own use the customs of the town, which have been let by him for the last three years at £12 each year, and he has also the profits of about five acres of land, called "The Sovereign's Field," which are let for £20 a-year of the late Irish currency. The profits of this field were stated to us to have been given by the patrons of the borough to the sovereign for the time being, but it is still part of the estate of Colonel Townshend, and let by him to the occupying tenant at the above rent. The sovereign or deputy sovereign, as recorder, divides with the town clerk the fees of the Civil Court of the Borough, which produce to each about £20 per annum. There is not any expenditure made by the sovereign out of this income for corporate or public purposes. Emoluments.

7. The charter does not contain any provisions as to the mode of electing, or the number of Burgesses; but the number has been always limited to 12, and vacancies are filled up by the sovereign, burgesses, and freemen. They are elected for life. They have not any emoluments or privileges, nor any functions, save those exercised by them as members of the corporation in the election of its officers and freemen, and filling up vacancies in their own body. Several of the burgesses are nearly connected with the patron of the borough. The following are the present burgesses: Burgesses.

John Townshend, Esquire, Lieutenant Colonel 14th Light Dragoons, patron of the borough, and principal proprietor of the town.

DINGLE.

Rev. Thomas Townshend, his brother.
Rev. Boyle Townshend, ditto.
Richard Townshend, Esq., second cousin.
Samuel Townshend, Esq., Whitehall, County Cork.
John Hickson, Esq., agent to Colonel Townshend.
Samuel Hickson, Esq., brother to Mr. John Hickson.
William Baldwin, Esq.
Thomas Robinson, Esq.

These gentlemen are all members of the Established Church; only two reside within the limits of the borough, the Messrs. Hickson. There are now three vacancies. The corporation has not, for many years, met more than twice a-year, on the 25th July and 29th September, being the days of electing and swearing in the sovereign; and for the last five or six years only two or three burgesses have at any time attended their meetings. There are not any fees payable by the burgesses on admission.

Freemen.

8. The charter of James, under the term "commonalty," would seem to comprise all the resident inhabitants of the corporate district; but the Freemen of the corporation have long been a much more limited class. No title to freedom as of right has been recognised, and, in fact, the freemen have been elected by the corporate body, without reference to any qualification of residence or otherwise. These elections were occasionally numerous prior to the Union; and in the year 1800 the number of freemen appears, by an entry in the corporation book, to have been 74, besides the sovereign and burgesses; since that period, when the right of the borough to return Members to Parliament ceased, there have been few freemen elected. The last were three members of the Townshend family elected in September 1822, none of whom were resident. The officers of the corporation could not inform us how many freemen were in existence at the time of our visit. The present town clerk was the only freeman mentioned as resident within the borough. No fees are payable by freemen on election. They may attend at all corporate meetings, and the only practical distinction we observe between the burgesses, and the freemen is, that it is supposed the sovereign must be elected out of the former, but the charter does not make this distinction. The charter empowers the sovereign, burgesses, and commonalty to hold councils at four times in the year, to make ordinances for the good government of the borough. The corporation, as already noticed, has not for many years met, save on the days of election and swearing in of the sovereign. The number of freemen who have attended these meetings have been of late inconsiderable. The charter also declares that "all the inhabitants commorant and resident within the borough, and their successors for ever, shall be free of all tolls, customs, &c. (except on wines and wreck) in all ports." We do not find that these exemptions have been ever claimed or recognised, but the language of the provision seems to describe the commonalty intended by the charter.

The freemen do not claim exemption from the customs levied in the town.

Recorder.

9. The office of Recorder is not mentioned in the charter, and appears to be merely founded on usage. The recorder is elected for life by the sovereign, burgesses, and freemen. The present recorder is John Hickson, Esq., the sovereign, elected recorder in 1820. He is not a professional man; the recorder elected in 1782 was a barrister. We have already noticed the arrangement of electing the recorder, sovereign, or appointing him deputy sovereign, to avoid any question as to his power of holding the civil court of the Borough. The title of recorder is thus, in fact, merely nominal; and the arrangement besides has the effect of making the same individual successively sovereign or deputy. The recorder holds the civil court of the Borough, and his emoluments, which arise from the fees of that court, have been mentioned in our account of the office of sovereign.

Town Clerk.

10. The Town Clerk appears to have formerly been elected by the sovereign, burgesses, and freemen. The present town clerk was appointed by the sovereign alone in the year 1827. This officer issues the processes and keeps the records of the civil court of the Borough; his emoluments arise from the fees of that court, which, as before stated, are now equally divided between him and the recorder, and amount to about £20 a-year to each.

Serjeants at Mace.

11. The Serjeants at Mace or town serjeants are appointed by the sovereign, and hold the office at his pleasure; they serve and execute the process of the civil court, and act as criers of the court, and auctioneers of goods sold under executions from it. They also assist the sovereign in the exercise of his duty when called upon. They have not any salary; their emoluments arise from fees on the service and execution of processes from the court, which produce about £10 a-year to the two serjeants.

Weighmaster.

12. The Weighmaster is appointed by the sovereign under the authority of the Irish statutes regulating that office. The person who at present holds this office is a female. Two persons have been appointed joint weighmasters and tasters of butter, by the lord lieutenant and privy council, under the 52 Geo. III. c. 134.

Poundkeeper.

13. The sovereign also appoints the Poundkeeper, who, in addition to the ordinary duties of the office in relation to distresses, takes charge of goods or cattle seized under mesne or final process of the civil court. The cattle so seized are kept by him on the public commons while under seizure. His fees will be noticed in connexion with the other expenses of the court.

Jurisdiction.

14. The sovereign is by charter the sole justice of the peace for the borough, but the justices of the county now act within its limits without objection; the Criminal Jurisdiction already stated to be given by the charter to the sovereign is not exercised, slight offences committed within the borough being disposed of by the magistrates of the county at petty sessions with or without the sovereign, and those of a more serious nature at the quarter sessions or assizes held for the county at Tralee.

Quarter Sessions and Grand Juries.

15. Quarter Sessions of the peace appear, however, to have been formerly held for the borough. By an entry in the corporation book in the year 1772, we find that such a sessions was then held, and the Grand Jury presented constables and applotters of money to be levied off the inhabitants, and made various presentments for the regulation of the markets, weights, &c. Similar sessions were held in 1806 and 1807; in the latter year the grand jury presented that a market should be held weekly every Monday; they also presented certain fees for appraisers, and £8 to be levied off the inhabitants to buy clothes and laced hats for the serjeants at mace, and a committee was appointed and subscriptions entered into to take the opinion of counsel as to the power of the inhabitants to tax themselves for the purpose of repairing roads within the liberties of the borough and corporation, and if they taxed themselves, whether they would be subject to county rates. We have not found that any thing was done on this subject; but the opinion, if taken, was, probably, as might have been expected, unfavourable to the exercise of such a power. In fact, the roads are repaired by county presentment; and the last act of authority we find exercised by a grand jury was in 1824, when a schedule of customs was arranged, which we shall hereafter notice.

Tholsel Court.

16. The civil court, called "The Tholsel Court of the Borough and Corporation of Dingle," is held every fortnight before the recorder. The court is not mentioned in the charter, and we have not ascertained the origin of the jurisdiction, which is stated to extend to any debt or other cause of action to any amount, arising within the limits of the borough. The mesne process is either by service or attachment of the goods; the latter process does not issue, unless the debt exceeds 40*s.* and is verified by affidavit before the recorder. It appeared that, in some instances, such affidavits had been made before the town clerk and process thereon issued, which had been left with him in blank, in the absence of the recorder. This was admitted to be irregular, but no case was stated in which any abuse of the process had taken place on such occasions. Defendants were formerly arrested on mesne process, but the present recorder has not issued either mesne or final process against the person; goods or cattle seized on attachments are committed to the custody of the poundkeeper until bailed. There are not any formal pleadings, a declaration is sometimes filed, but no costs of it are allowed. The proceedings have gradually become very similar (with the exception of the process by attachment) to those of the Civil Bill Court of an assistant barrister. Cases under 40*s.* are generally heard and finally disposed of the next court day after service of the process, and those for large sums the next court day after bail is given on the attachment. Juries are not sworn unless required by either party; it is considered the right of either to demand a jury, but the recorder generally requires that the application should be made a day or two before the court day, and has refused to summon a jury when not required until the case was at hearing. Executions are issued only against the goods of the defendant, and are executed by the serjeants at mace. There are not any attorneys who practise in the court, although it was stated to us that there are two or three who were admitted. The average annual number of suits commenced by attachment and serviceable process, for six years ending the 10th January 1833, was - - - - - - - - - - - - 368

Of these the average annual number entered for trial was - - 127

And the average annual number of executions - - - - 42

The costs have been considerably reduced by the present recorder; the following are the costs now charged:

	s.	*d.*
Affidavit of debt in cases of attachment - - - - -	0	6
Attachment or process - - - - - - -	1	6
Entering in court book for trial - - - - - -	2	0
Execution, if issued - - - - - - - -	3	0
	7	0

Costs of dismiss - - - - 5*s.* 6*d.*

The serjeants at mace receive 6*d.* of the fee on the attachment or process, and 1*s.* of the fee on execution. The rest is divided between the town clerk and recorder. The serjeants at mace also receive 6*d.* in the pound on goods sold by auction by them under executions. The poundkeeper, as already noticed, keeps live stock seized under process of the court and committed to his custody, on the public commons, for which he charges

Fourpence per head, for cows
Sixpence, for horses - - - } for 24 hours.
Twopence, for pigs - - -

He also gets a fee of 6*d.* on other effects delivered to him on an attachment, and 1*s.* on those delivered on executions, and charges also 2*d.* per day during their detention. Causes are rarely removed by *certiorari* to a superior court. The present recorder only recollected two instances of removal.

Court of Conscience.

17. The recorder, either as recorder or sovereign, holds a Court of Conscience for demands under 5*s.* of the late Irish currency; the origin of this jurisdiction we were also unable to ascertain. The oath of the plaintiff is admitted, but is not conclusive. The process is by summons, and the average number of such cases which have been tried annually in the six years ending 10th January 1833, was 499. The fees of this court are as follows:

	d.
Serjeant at mace, for service of the summons within half a mile west of Dingle and in the town - - - - - - -	2
Ditto, outside those limits - - - - - - - -	4
Entry for trial - - - - - - - - - -	6
Warrant to seize and sell goods for the sum proved - - -	6

DINGLE.

Observations on the Courts.

18. Though we have not been able to trace the legal origin of the Courts, and it may be difficult satisfactorily to account for the deviations in practice in the Tholsel Court from the more formal proceedings of similar courts in other corporations, we find, from the number of causes instituted and tried, and the absence of any well-founded complaints of abuse, that the jurisdictions so exercised by the recorder or sovereign are found to be of advantage to the inhabitants of the borough. The remote and insulated position of the town and neighbouring district peculiarly require the assistance of a cheap and well-regulated local tribunal. The assistant barrister of the county does not hold sessions for civil bills nearer than Tralee, which is 27 statute miles from Dingle; the quarter sessions for the county are also held there, and complaints were made to us of the inconvenience experienced by persons summoned to Tralee as jurors. The feeling of the advantages derived from the local courts, and confidence in the administration of justice in them, were strongly expressed in a memorial addressed to us by several traders and shopkeepers of the town, which suggested the extension of the jurisdiction, and one of the memorialists proposed to us the utility of having it extended seven miles to the east and nine to the west, including the entire western district of the barony. The advantages sought by this change might, to some extent, be attained with the addition of the presence of a competent professional judge, by having a new division of the county made under the Civil Bill Acts for Dingle and the surrounding district, for the trial of civil bills only. It does not appear that a necessity exists for any alteration as to the criminal cases; those of sufficient magnitude to be referred to the quarter sessions, might, as at present, be tried at Tralee where the county gaol is situate; those of a light character are disposed of at Dingle, at petty sessions. It appeared before us, that in a few instances the toll collector and weighmaster had sued for, and recovered in these courts, the tolls and other charges claimed by them; the recorder being in fact the sovereign, and as such claiming to be entitled to the tolls, and having the appointment of the weighmaster, it seems decidedly objectionable that he should entertain questions in which he must appear to some extent personally interested. We have found a like practice in other corporate courts where tolls were levied by the corporation or its officers, and it is one which obviously tends to diminish public confidence in the impartial administration of justice by the local tribunal.

Petty Sessions.

19. The Court of Petty Sessions is generally held once a fortnight; the number of magistrates attending varies from two to five. There are eight county magistrates resident in the town and neighbourhood.

Police.

20. A portion of the constabulary force of the county is stationed at Dingle, and performs the duties of Police within the borough; there is not any local police establishment connected with the corporation.

The town is not lighted or watched, nor has any attempt been made to introduce the provisions of the General Paving and Lighting Acts.

The streets, roads, and bridges in the borough are repaired by county presentments.

It was stated to us by the sovereign that the character of the inhabitants was very peaceable, and that no inconvenience was felt from the town not being watched or lighted. The farm houses in the agricultural parts of the borough are generally congregated in small villages, but none of these is of an extent to deserve particular notice.

Ports of Ventry, &c.

21. The charter grants to the corporation that they shall have the Ports of Ventry, Smerwick, and Ferriter's Creek, within the franchises, liberties, and jurisdiction of the town; and have and retain the customs and cockets of these ports. We have not found any evidence of the exercise of jurisdiction under this grant.

Extension of Jurisdiction.

22. Except in reference to the suggestions above stated as to the Extension of the Jurisdiction of the Tholsel Court, we were not apprized of any circumstances calling for an alteration of the limits of the borough.

Gaol.

23. By the charter a grant is made to the corporation of a messuage, which formerly belonged to John Hussey, for a prison. There is not at present any Gaol belonging to the corporation, but previous to the late erection of a new bridewell in the town, the former was used as the marshalsea of the borough. The new bridewell is built on a different site, given for the purpose by Colonel Townshend, and the old one is now held as private property. We could not ascertain that it was the messuage given by the charter, or stood on the site of it, but a respectable witness stated he had known the gaol 60 years ago, and that it was then the arch of an old castle. The bridewell is under the control of the county magistrates.

Revenue.

24. The only source of Revenue accruing to the corporation is derived from certain small charges on goods brought to the town, and on standings in the market house; these are called the Customs, and, as already observed, are received or farmed by the sovereign for his own use. No account is rendered of them by him to the corporation. We have been able to obtain but little information as to the origin or legal validity of these demands; and the sovereign could give us no more satisfactory account than that he considered them to be made under the charter by the power therein given to make bye-laws. The following document was handed to us as the schedule of these charges, and as professing to state the authority under which they were made, viz.:

Customs.

Schedule of Customs.

"Borough and Corporation of Dingle.

"At the general quarter sessions held in and for this county on the 1st day of October 1824, the grand jury have passed the following Acts, among many others:

"Tolls.

"1st. All vessels importing potatoes over eight tons, shall pay 150 pounds weight as custom, for each cargo.

"2d. Every vessel importing meal or flour over eight tons, to be sold or exposed for sale in this corporation, shall pay one measure, 40 pounds weight, as custom.

"3d. Every vessel importing coals into this corporation shall pay one bushel of coals for the customs of the cargo.

"4th. Every vessel that shall import salt into this corporation shall pay one bushel of salt as custom of the cargo.

"5th. Every vessel that shall import wheat, barley, meal or oats, over eight tons, into the corporation, shall pay 50 pounds weight for the custom of the cargo.

"6th. Every peck of potatoes brought into the market of Dingle shall pay four pounds weight as custom for each peck, and that each peck shall contain 16 stone weight only.

"7th. All standings in future to be excluded from the market house, except all standings of strangers outside the market house, to pay 4*d.* custom.

"8th. All persons selling fruit, vegetables, or such small articles, except apples, carloads of which are to pay 4*d.* and each backload 2*d.*; the borough of Dingle excepted.*

"9th. All carcases of beef to pay 6*d.* and mutton 2*d.* for weighing, hides included.

"10th. All friezes and flannels to pay one halfpenny per score, and so in proportion for custom and measurement.

"11th. Horse loads with churns of milk to pay 1*s.* a-year custom.

"12th. That every butcher must pay 3*s.* yearly for his standing in the market house; any person or persons buying or selling potatoes, except in the market, will be fined."

Observations thereon.

We have not discovered any legal power in a grand jury of the borough to pass such acts; and it is remarkable that the first five charges being those imposed on vessels importing certain articles into the borough, are not in fact collected; and the only tolls insisted on are those payable by persons who must be, generally speaking, unable or unwilling to resist.

These customs produce, as we have stated, the trifling revenue of about £12 a-year to the sovereign. The profit to the collector is probably more considerable. The collection of them appears to bear severely on the poorest classes, and we found a strong feeling of dissatisfaction to prevail on the subject, particularly as the revenue thus derived was not expended on any object of public utility.

Market House.

25. The site of the Market House, for standings in which some of these charges are made, is held under a lease made by the Knight of Kerry, in 1757, for 999 years, at 4*s.* rent, to the then sovereign of Dingle and his successors. By this lease, to which the corporation seal is affixed, the sovereign covenanted to erect a house, the lower part of which was to serve as a market house, and which was to contain a marshalsea or prison, a room for a court house, and a room for a grand jury. The present sovereign stated to us that the rent reserved in this lease was never paid or claimed; and that he understood that the present building was erected by the lessor at his own expense, on the failure of the sovereign to perform the covenant.

Fines and Amercements.

26. The charter grants all Fines and Amercements within the borough, belonging to the office of a justice of the peace, to be received to and for the support and maintenance of the town. In practice, fines imposed at petty sessions are awarded to be paid to the party injured, or to the public dispensary, without any distinction as to whether they are imposed for offences within or beyond the borough limits.

Commons.

27. The charter also grants to the sovereign, burgesses, and commonalty, for pasture for their cattle, "two carucates (or plowlands) of land called Happston with their appurtenances, and all messuages, &c. thereto belonging, or reputed, within the kingdom of Ireland." We have not found any such denominations now used or known, but there are tracts of land adjoining the town of some extent, passing under the name of "The Commons," and used as such. The boundaries are not defined by any maps or perambulations; and the corporation does not in any way interfere to regulate the use of the commons, or prevent encroachments. They are occupied indiscriminately by the inhabitants, chiefly of the poorest class, and were described as rocky, and very indifferent mountain ground.

Encroachments.

We found a strong impression to prevail, that extensive portions of the commons had been, at different periods, enclosed and added to the adjoining estates; and some evidence was given of such Encroachments. The result of the inquiry leads us to conclude that the commons have not been much diminished in the memory of persons now living. In many instances small portions have been added by neighbouring tenants to their farms, and when their leases have expired the encroachments have been demised, with the farm, to the same, or other tenants. The principal encroachments in the last 20 years have been by the poorer classes building cabins, and enclosing small portions for gardens; such instances have occurred within the last five years. The chief enclosures of this description are at a part of the commons called Miltown, where about 30 cabins have been built, and where there remain only from six to seven acres unenclosed. The residue of the common is called Ballinaboula; the quantity unenclosed there was not ascertained, but the part enclosed is not one-tenth of the entire, and a witness who appeared well acquainted with the place, stated that he would give £50 a-year for the open part of Ballinaboula, but would not give £10 a-year for the open part at Miltown. The late Lord Ventry, whose estates adjoin the commons, took pains to prevent encroachments by those who were not his tenants; and the sovereign has at times interfered to stop persons from building on them, but there is no regular control now exercised on the subject, and the books of the corporation do not contain any reference to it. An ejectment was brought and tried about 30 years since against persons who had made

* The sovereign stated, that this exception meant, that the inhabitants of the borough selling apples were exempt from the charge.

DINGLE.

encroachments on the commons; but we were not informed of any benefit having resulted from it to the corporation. The commons are entirely unproductive to the corporation or any of its officers, except to the poundkeeper, whose charges have been already noticed.

The Green.

28. A place in the town, called "The Green," was stated to have been formerly granted to the corporation by some member of the family of Lord Ventry, when sovereign; but it has, for many years, been considered and treated as the private property of the Knight of Kerry, and was sold upwards of 20 years ago to its present possessor.

Patronage.

29. There is not any ecclesiastical, or other Patronage, in the hands of the corporation, except in the appointment of the officers already mentioned.

The sum of £1000 was granted in 1765, by the Irish Parliament, to Maurice Fitzgerald, Esq., in aid of the building a quay at this town, on the petition of the sovereign, burgesses, and freemen.

There are not any estates, or funds, vested in the corporation for the purposes of education, or other charitable purposes. There are some public schools in the town supported by private subscription.

State and Prospects of the Town.

30. The town of Dingle is stated to have improved very much within the last 20 years; but one valuable branch of commerce, the linen trade, which was formerly flourishing, has almost entirely declined. The export trade is inconsiderable. It is chiefly in butter and corn to Liverpool. Vessels of 300 tons burden can come up to the town. The following details show the population of the borough in 1831, and the state of its trade in the last five years:

STATISTICAL DETAILS. POPULATION.

1. POPULATION.

31. Town of Dingle:

Houses inhabited	657
Ditto building	2
Ditto uninhabited	40
Families employed in agriculture	32
Ditto in trade, manufactures, and handicraft	251
Ditto not comprised in the preceding classes	469
Persons: males, 1,968; females, 2,359. Total	4,327
Ditto employed in manufacture, or in making manufacturing machinery	3
Ditto in retail trade, or handicraft	313
Professional and other educated men	25
The population of the town, in 1821, was	4,538
Decrease in 10 years	211

Parish of Dingle, exclusive of the town:

Houses	366
Families: males, 1,203; females, 1,189. Total	2,392

Parish of Kildrum:

Houses	170
Families	171
Persons: males, 569; females, 521	1,090

Parish of Farfinny:

Houses	139
Families	140
Persons: males, 454; females, 484. Total	938

Parish of South Clahane:

Houses	70
Families	81
Persons: males, 285; females, 297. Total	582

Of the parish of Kinnard, part only is within the limits of the borough; the entire of that parish contains:

Houses	163
Families	168
Persons: males, 629; females, 632. Total	1,261

The population of the several parishes, is, with few exceptions, agricultural.

The limits of the borough appear, by the foregoing Returns, (exclusive of the part of Kinnard comprised in them,) to contain a population of 9,329 persons.

2. IMPORT AND EXPORT TRADE.

Import and Export Trade.

Number of Vessels, and amount of Tonnage, which invoiced and outvoiced at Dingle, in the following years:

Year ending 5th January.	Vessels from Foreign Countries.		Coasters from and to Great Britain.				Coasters from and to Ports in Ireland.			
			Inwards.		Outwards.		Inwards.		Outwards.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
1827	. .	. .	4	203	3	146	4	94	1	22
1828	1	133	8	520	4	228	8	185	5	102
1829	1	233	8	480	8	432	13	336	5	141
1830	. .	. .	6	414	5	386	15	437	5	143
1831	. .	. .	8	417	10	602	7	214	2	42
1832	1	133	4	314	5	444	1	42	1	43
1833	. .	. .	6	342	11	801	5	97	. .	. .

Acts of Parliament.

32. There are not any Acts of Parliament relating to this town.

Observations.

33. As a municipal body the corporation of Dingle is comparatively inefficient and useless; the great majority of its members is non-resident, and no inclination appears to exist among them to give to the inhabitants of the borough that interest in its continuance which a liberal admission to the freedom might be expected to produce.

There are, however, some reasons for the renovation of the corporate body under better regulations.

The town and neighbouring district, from their insulated position, require, more than others of greater magnitude, a cheap and expeditious tribunal for the recovery of small debts. The various magisterial duties relating to the markets, weights, measures, &c. call for the vigilant exertions of a public officer, especially bound to attend to them. A municipal body, composed of resident inhabitants, and possessing, from the principle of their election, the confidence of the community, seems best adapted to suggest and forward measures of local improvement and commercial advantage. And the protection of the public property, or its better application to useful purposes, deserves notice in reference to this subject.

The low state of the trade of the town, as shown by the foregoing tables, and the limited number of individuals who would be qualified to exercise the right of election to corporate offices, unless the qualification were reduced to a very moderate scale, may be urged against the continuance of corporate institutions.

It is also to be considered that the houses in the town are principally held under two proprietors, (one of whom is patron of the borough,) on terminable leases, a state of things likely to be unfavourable to the general independence of the community.

Whatever its constitution might be in practice, if the burgesses were resident and the freedom was generally opened to the inhabitants, the corporation as it at present exists has no support in public opinion; and the collection of the customs, while it produces an insignificant revenue to the corporate officers, is a source of much dissatisfaction to the inhabitants, and oppressive to the poor.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Dingle the 21st and 22d days of October, 1833.

307

REPORT

ON THE

BOROUGH OF ENNIS.

CONTENTS.

	Page
Limits	309
Charters	309
Bye-Laws	309
Title	309
Officers named in the Charter	309
Other Officers	309
Classes	309
Provost, how elected	309
Vice-Provost	309
Free Burgesses	309
Other Officers, how elected	309
Fines	309
Freedom, Rights to	309
By Charter	309
Birth	310
Bye-laws relating to	310
Gift	310
Fees on Admission	310
Guild of Trades	310
Remarks on the Constitution	310
Provost, Functions of	310
Vice-Provost, Emoluments of	310
Free Burgesses, Functions of	311
Serjeants at Mace, ditto	311
Town Clerk, ditto	311
Freemen, Privileges of	311
Grand Jury	311
Corporation, Jurisdiction of the	311
Borough Court	311
Assistant Barrister's Court	312
Seneschal's Court	312
Petty Sessions	312
Police	312
Extension of the Jurisdiction	312
Gaol	312
Poor	312
Patronage and Schools	312
Property	313
Tolls	313
State and Prospects of the Town	313
Guild of the Staple at Clare	314
Statistical Details	314
Observations	314
Acts of Parliament	314
Documents sent	314

BOROUGH OF ENNIS.

1. THE Borough of Ennis comprises within its Limits a part only of the present town. The remaining portion, which includes the public buildings, has been added by the Boundary Act, as regards representation in Parliament, and the borough, so defined, comprehends the entire of the town of Ennis, as built upon, and a small surrounding district. — Limits of the Borough, and Additions made by the Boundary Bill.

2. This borough was incorporated by a Charter granted by James I. in the tenth year of his reign, which prescribes the mode of election of the provost, free burgesses, and freemen, and contains a grant of a court for all pleas, not exceeding five marks. It also constitutes the provost clerk of the markets. This charter is enrolled. (Rot. Pat. 10 Jac. I. p. 4. m. 40.) — Charter of James I.

3. James II. granted a new Charter of incorporation to this borough, but which has not been acted on, at least not since the Revolution. It is enrolled. (Rot. Pat. 4 Jac. II. p. 2. m. .) — Charter of James II.

3. A collection of Bye-laws of the corporation, from 1660 to a recent period, was laid before us. Such of them as we judged of sufficient importance are noticed in the subsequent parts of this Report. — Bye-laws.

4. The corporation is governed by the charter of James I., in which it is entitled, "The Provost, Free Burgesses, and Commonalty of the Town of Ennis." The officers named in it are, — Title.

5. — Officers in the Charter.

One Provost,
Twelve Free Burgesses,
Two Serjeants at Mace.

6. Other Officers of the Corporation are, — Other Officers.

A Town Clerk, and
Bellman.

7. There do not appear to be now any Freemen, or members of the commonalty, recognised as such; and the corporation consists of the provost and free burgesses only. — Classes.

8. The Provost is elected annually on the 24th of June, by and from among the free burgesses, and sworn into office on the 29th of September. The charter provides for the election, by the same body, of a provost in the room of one dying in office. No instance has been mentioned to us of a division at the meetings of the provost and burgesses, and there are not any regulations as to the power of the provost, either as to his voting as a burgess, or having a casting vote. — Provost, how elected.

9. The provost has not power by the charter to appoint a deputy, but the provosts successively, for many years, have constituted each a deputy, called the Vice Provost, under a bye-law made in the year 1711, which recognises the practice as an ancient usage of the corporation. The vice-provost was a resident inhabitant of the town. — Vice-Provost, how elected.

10. The Free Burgesses hold their offices till death, resignation, or removal. The number is filled up, when a vacancy occurs, by the provost and free burgesses. In practice, the number is 13, as the provost does not lose his place of free burgess, on being elected provost. By the charter, the election of a free burgess must be within seven days after a vacancy occurs, and out of "the better and most respectable inhabitants." This qualification, as regards residence, does not seem to have been attended to, and is in fact dispensed with by 21 Geo. II. c. 10. s. 8. (Ireland.) The last three elected are resident inhabitants within the limits defined by the Boundary Bill. All the present free burgesses, except one, are resident within the distance of seven miles from the place of election so as to enable them to vote for a Member of Parliament; one only, the last elected, is a Roman Catholic, the others are Protestants. — Free Burgesses, how elected.

11. The town clerk is elected annually by the provost and free burgesses; in practice, the same person is always re-elected. The serjeants at mace and bellman were annually appointed by the provost's jury, afterwards mentioned, which body also appointed scavengers. — Other Officers, how elected.

12. An ancient bye-law, made prior to 1682, imposed a Fine of £40 on the provost for not acting; and an earlier bye-law, directed fines to be paid of 6*s.* 8*d.* by a burgess, and 3*s.* 4*d.* by a freeman for non-attendance at quarter meetings. We did not find any instance of such fines having been paid. — Fines.

13. The Charter of James I. provides that all the inhabitants, and others, whom the provost and free burgesses shall admit to the Freedom of the borough, shall be of the commonalty. In practice, this provision received the same construction in Ennis, as similar clauses in the charters of that period received in other boroughs, as not giving an absolute right to freedom to all the inhabitants, but limiting the commonalty to such only as should be actually admitted. In this borough, however, the commonalty shared with the provost — Freedom, Rights to, By Charter.

ENNIS.

and free burgesses, to some extent, the power of admission, and regulated, by bye-laws, the requisite qualifications. This power was exercised by presentment of a general meeting of the provost and free burgesses, and a certain number of the inhabitants, called a grand jury, who were originally always freemen. The free burgesses have long since ceased to attend this assembly, and the qualification of being freemen became disregarded in selecting the jury. It has, in consequence, not been for many years recognised by the free burgesses, although regularly kept up under the name of the Michaelmas jury, until the year 1827. In that year several persons were presented as fit to be admitted to their freedom; but no further steps appear to have been taken.

Not by Birth. The bye-laws did not notice any right of admission to freedom by Birth.

Bye-laws relating to Admission. The principal regulations were, that no Apprentice, or other, should be made free, unless he had served seven years, except such as the provost, burgesses, and commons should admit and think fit at any of their general meetings; that the indentures of apprenticeship should be enrolled; that no person should be made free but an inhabitant, and that no dealer, or artificer, within the borough, should be admitted to his freedom, but such as were actually dwellers within the liberty of the town, at least three months before admission.

By Gift. The provost has, by bye-law, the privilege of bestowing the freedom on two persons, during his year of office.

Fees on Admission. 14. The Fee on Admission to freedom appears to have been £3 6*s.* 8*d.* to the town clerk for a certificate of the admission. The late town clerk states that he never received that fee; that he did not think the whole amount of fees paid to him for 36 years that he held the office, amounted to £2, and that, in some instances, he gave the certificate gratuitously.

By an order made by the vice-provost and jury, at Michaelmas 1809, it was resolved, that all strangers should be obliged to take out their freedom of the corporation before they exposed to sale any goods or merchandise, or, in default, should pay a fine of £3 6*s.* 8*d.* to be levied by sale and distress of such goods. This order does not appear to have been put in force.

Guild of Trades. 15. There are not any Guilds of Trades at present existing in Ennis. The ancient bye-laws of the proceedings of the provost and jury contain provisions respecting such bodies, which appear to have been established, and masters and wardens of them appointed under orders made in the years 1701 and 1728. Those provisions restricted the exercise of trades to persons free of the fraternity. We did not discover any subsequent evidence of their existence as distinct bodies, and the internal trade of the town is now unrestricted.

Provost and Burgesses. Meetings of. 16. The Provost and Burgesses only meet to elect and swear in the provost and other officers, and fill up vacancies in their own body. Notices of their meetings are posted on the court house, but not given individually to the members. Their meetings are public.

Remarks on the Constitution. 17. From the limited number and power of self-election of the Free Burgesses, the borough of Ennis has been for years what it is at present, a strictly close corporation, the property, or under the patronage of, one or two individuals. Previous to the Reform Act, the patrons, or proprietors of the borough, in effect, nominated the Members to be returned to Parliament, and they still, in the same manner, appoint the provost, and nominate to vacancies in the number of burgesses. Of the present 13 burgesses, six are stated to be connected with the family of one of the patrons of the borough, and three with that of the other. The remainder either connected with, or friendly to the others. Lord Fitzgerald and Vesey and Sir Edward O'Brien are considered to be the present patrons.

Provost, Functions of. 18. The Provost never resided in the town, and rarely performed any active duties, merely attending on occasions of elections. By the charter he is empowered to hold a civil court, and is clerk of the market. The vice-provost held the court until about 10 years since, when we understand it was discontinued, partly in consequence of the authority of the vice-provost to hold it being disputed. The vice-provost acted also as clerk of the market, and as a magistrate in petty disputes and claims for wages. He was, however, generally, a person holding also the commission of the peace for the county of Clare. He also acted as billet master.

The provost had not any salary. Some fees were payable to him on proceedings in the civil court, which the vice-provost received. They amounted to about £20 per annum.

Vice Provost, Emoluments of. 19. The office of Vice-Provost was made, in effect, one of considerable emolument, by his being always appointed the weighmaster of the borough, under the statutes regulating that office. This practice was first adopted in the year 1774, by a resolution of the provost and grand jury of the borough, with the view of increasing the income of the vice-provost, and was continued by similar annual appointments until the discontinuance of the grand juries in 1827. The annual Emoluments of the vice-provost from this source were from £200 to £300. The right of the provost to appoint a weighmaster seems to have been acquiesced in for many years, although the corporation were not owners of the tolls. It has lately been disputed, and the fees on weighing claimed and received by the lessee of the tolls under the Earl of Egremont, and since the situation of vice-provost has been deprived of this source of income, it has not been kept up for any useful purpose. In the past year no vice-provost was appointed, and the provost did not act in person.

The absence of an efficient control over the markets, in consequence, has led to great disorders and abuses, and is much complained of by the inhabitants.

The provost is the returning officer of the borough on the election of Members of Parliament.

20. The Free Burgesses have not any Functions distinct from those already noticed. They formerly had the exclusive right of voting for the election of Members of Parliament. There were six free burgesses registered as voters, at the time of our visit in September 1833, and three others had given notice of their intention to register. The number of registered £10 householders was 239. Free Burgesses, Functions of.

21. The Serjeants at Mace executed the civil process of the Borough Court. These Functions have ceased with the discontinuance of that court. They also assisted the vice-provost as constables in the regulation of the markets. There have not been any serjeants at mace appointed since 1827. Serjeants at Mace, Functions of.

22. The Town Clerk attends at, and records the proceedings of the meetings of the provost and burgesses, and also attended at, and recorded those of the meetings of the vice-provost and jury. Town Clerk, Functions of.

He was also clerk of the pleas to the civil court, and issued the process of it.

His Emoluments were derived partly from the fees of that court, and partly from fees on the admission of freemen and burgesses, and the election of Members of Parliament. The fees of the court produced £100 a-year, for some years, to the late town clerk. The fees on admission of burgesses appear to be merely complimentary, and the same observation applies to those claimed on the election of Members of Parliament, the latter being paid on the occasion, not by the Member returned, but by the proprietors of the borough, and varying in amount at the pleasure of the donors. His Emoluments.

The town clerk charges a fee on affixing the corporation seal to powers of attorney, relating to property out of Ireland.

The present town clerk receives a salary of £20 per annum from the proprietors of the borough.

23. The power of making bye-laws is given by the charter to the provost, free burgesses, and commonalty, and the right to share in this power, and in the election of inferior officers, is the only Privilege given to the Freemen. Several bye-laws are extant, made, or confirmed, under this authority, from 1660 to the beginning of the present century; they relate principally to the regulation of the trades and markets of the town, the qualifications of freemen, and other municipal details. Freemen, Privileges of.

24. The general meetings formerly held by the provost, free burgesses, and commonalty, appear to us to have been the origin of the Grand Juries already noticed. The proceedings of the body are frequently called presentments, and instead of the whole body of freemen a certain number was selected under the title of a jury, or grand jury, to form, with the provost and free burgesses, the general meeting of the corporation and the managing body of the borough, for certain purposes. They varied in number from 18 to 23, and were sworn. The free burgesses sometimes are mentioned as joining in the proceedings; but, in latter times, the provost, or vice-provost, and the jury, acted without them. A bye-law, made in 1743, required that they should be freemen and inhabitants for 12 months. They were latterly called the Michaelmas jury, or provost's jury. They made bye-laws, and presentments, for paving and cleansing the town, and payment of salaries to the serjeants at mace, scavengers, and other inferior officers, amounting to about £35 per annum, and which were levied exclusively on the householders in the limits of the old borough, which latterly became the poorer portion of the town. In 1827, their power to make these presentments was resisted and abandoned; since which time a jury has not been sworn. Market juries were also appointed and sworn before them, and they exercised as before mentioned, but under what authority we cannot discover, the power of presenting persons to be admitted to the freedom of the borough. The jury was summoned by the vice-provost, and consisted chiefly of the same individuals successively. For many years prior to its being discontinued the jury did not consist of freemen; and it appears to have been principally kept up for convivial purposes, at the expense of a few new jurors introduced each year, and not afterwards called on to attend. Its sittings were private. Grand Jury.

25. The Corporation has not any exclusive Jurisdiction, criminal or civil. Jurisdiction of Corporation.

The Civil Court of the Borough, already mentioned, was held before the provost, or vice-provost. It was a Court of Record, having cognizance of all debts arising within the limits of the borough, to the amount of £3 6*s*. 8*d*. Borough Court.

The mesne process was either by service or attachment of goods. The fees were regulated by a presentment passed in the year 1793; they amounted to the sum of 10*s*. 8*d*.; but the town clerk appears to have considerably exceeded the fees so authorized.

The following is a copy of the presentment and list of fees:

"Michaelmas Meeting, 1793.

"We find, and present, that the fees of action prosecuted in the Borough Court are enormous, and the proceedings tedious. We, therefore, find and present, that the provost shall dispose of every case before him on the next court day after each action in his court is commenced, and that the costs shall not exceed, in any case, 10*s*. 8*d*. sterling, to be regulated according to the Table of Fees now handed in by the high provost to the town clerk.

ENNIS.

"TABLE.

	s.	d.
" Warrant, if a freeman	0	7
" Ditto, if not a freeman	1	1
" Serjeant at mace executing same	0	6½
" Entering bail on trial	1	1
" Attorney on motion for judgment	2	6
" Stamp	0	2½
" Drawing execution	0	6½
" Provost for signing execution	2	6
" Sealing execution	1	1
" Serjeant executing execution	0	6½
	10	8"

This court has been discontinued about 10 years.

The provost, or vice-provost, also exercised a summary jurisdiction over small debts under the sum of 5*s.*, but under what authority, save ancient usage, we have not learned.

Assistant Barrister's Court.

26. The Assistant Barrister of the county of Clare sits at Ennis, which is the assize town of the county, where he tries civil bills, and holds quarter sessions with the county magistrates three times in the year. The division of the county in which Ennis is situated comprises three baronies. The assistant barrister also sits, once in the year for the same division, at Six-Mile-Bridge, 12 miles distant. The number of civil bills from the borough is stated to be about one-tenth of those of the entire division.

The absence of a local tribunal for the speedy trial of small debts, is much complained of; but the provost's court not being held before a professional judge, and the proceedings being removable to the superior courts, its revival should be accompanied by some provisions to remedy these defects.

Seneschal's Court.

27. A Seneschal's Court for the manor of Clonrode is held occasionally in Ennis. The jurisdiction extends to debts not exceeding £10, under a grant by James I. to Donat Earl of Thomond, in the eighteenth year of his reign. The seneschal is not a professional man, and the court is but little resorted to. It was mentioned to us as having been much condemned by the judges of assize and the assistant barrister. It was also stated that there is some doubt as to the jurisdiction of the court extending to the town of Ennis. The process is by civil bill, and causes are tried by jury. Lord Egremont is now owner of the manor, and appoints the seneschal.

Petty Sessions.

28. Petty Sessions are held in the town of Ennis by justices of the peace of the county, of whom 15 are resident in the town and neighbourhood. The day appointed is Friday in each week, and latterly the attendance has been regular. The average number of cases in the last six months, has been 35 criminal cases, and eight civil, per week. The clerk's fees are from £50 to £60 per annum.

Police.

29. There is not any Police of the town or borough. The county constabulary force is employed for the purpose, aided by an additional force under the Peace Preservation Act, in consequence of the late disturbances. The town is not lighted. The county police act as watchmen by a nightly patrol. An attempt was made to put the town under the new Paving and Lighting Act, but failed in consequence of the disinclination of the inhabitants to tax themselves for the purpose. An attempt was also previously made, in 1825, to have the town lighted, and a nightly watch provided by subscription, which succeeded during that and the following year by the exertions of the then vice-provost, but has not since been continued.

Extension of the Jurisdiction.

30. The Boundary Bill has increased the Parliamentary borough by taking in all those parts of the town and suburbs which were not included in the ancient limits; and this boundary appears to comprise all that is peculiarly connected with the town, and to be that which should naturally regulate the municipal jurisdiction, especially as connected with any local assessments, which would otherwise press almost exclusively on the poorest class of the inhabitants.

Gaol.

31. There is not any borough Gaol. Persons arrested under process of the borough court, or of the provost's summary jurisdiction, were committed to the old county gaol, which was situate within the limits of the borough. The present county gaol is not within these limits, but is included by the Boundary Bill.

The corporate officers have not any jurisdiction over the county gaol.

There is not any bridewell, or place of confinement for prisoners, before their final commitment; a defect much complained of by the resident chief magistrate of police.

Poor.

32. The corporation does not support any institution for relief of the Poor. A county poor house exists in the town, the governors of which are a corporation under the statute of the Irish Parliament, 11 and 12 Geo. III. c. 30. It is supported by county grand jury presentments, which, for the last spring and summer assizes, amounted to the sum of £600.

The county fever hospital and infirmary are situated within the Parliamentary limits of the borough.

Patronage and Schools.

33. There is not any Patronage in the hands of the corporation. A School, under the board of Erasmus Smith, is established at Ennis, but is rather of the nature of a private school. The master receives 10 free scholars. An extensive free school has been erected by the exertions of the Roman Catholic clergyman of the parish, and is under the rules of the

new board of education. There is a female free school also under the rules of the new board.

34. We have not discovered that the corporation ever had any Property, or has any income or revenue, charitable or otherwise. PROPERTY.

35. The vice-provost derived for many years a considerable income from the office of weighmaster. The following is the schedule of his charges or fees as such, lodged with the clerk of the peace of the county of Clare, in 1825, under the 57 Geo. III. c. 108. s. 7, by the then vice-provost, Richard Kenny, Esq., and stated to be sanctioned by presentment of the Michaelmas jury at a quarterly meeting, held the 25th November 1825. They are lower than the charges previously levied: Cranage and Tolls.

	d.
For every empty cask or firkin, for the purpose of putting butter in same, and that the same shall be brought to be branded to the weighmaster	1
For every cask of butter coming to be weighed and branded, and marking the tare on same by the weighmaster	2
For trying said butter, and giving a ticket of same	1
For every crock or tub of butter weighing over 10 lbs., and giving a ticket of same	3
For every crock or tub of butter weighing under 10 lbs., and giving a ticket of same	2
For any quantity of wool weighed, over 1 cwt.	1
For all small draughts under 1 cwt.	0½
For weighing all small draughts of feathers	1
For weighing of hides, and giving a ticket of same	3
For all draughts of coal and kelp weighed, over 1 cwt.	1
For all goods and merchandise weighed, and exceeding 1 cwt.	1
For any thing under 1 cwt.	0½
For any barley and rape weighed at the scales, by the barrel	2
For wheat, by the barrel containing 20 stone	2
For oats, by the barrel of 28 stone	2
For wheat, by the cwt.	1

These cranage fees were generally let by the vice-provost for the year, and by an extraordinary practice, of the origin of which we found no evidence, and can only suppose it to have been derived from some arrangement by which the corporation was allowed to appoint the weighmaster, an appointment vested by the statutes, except as to butter, in the owner of the tolls, the same fees in amount on each article in the above schedule were collected by the lessees or collectors of the vice-provost, and paid over to the lessee of the tolls under Lord Egremont. Thus in fact the cranage fees were doubled. The lessee of Lord Egremont received in addition fair and market tolls on cattle, &c. No charge of cranage fees on potatoes was made by the vice-provost since 1825. The payment of these charges to the vice-provost has been resisted, as already stated, and very little has been paid to that officer since 1830. But notwithstanding this, the double charges have been in some cases, and are still said to be made and received by the lessee of the tolls under Lord Egremont, or persons deriving as under-tenants from that person. The collection of the cranage is, in fact, at present in a state of the utmost confusion. The lessee of the tolls claims it, though not specifically appointed weighmaster, and the under-collectors still act in weighing, without, as far as we could discover, a legal authority from any person, and charge for all articles weighed, including potatoes. The butter merchants have abandoned the public crane, and not being by law entitled to charge the purchaser for weighing, they actually impose on the latter a charge of 8*d.* per firkin, (the amount of the former double charge on cranage,) for defraying, as alleged, the charges in the Limerick market. There is not any official person, either as vice-provost or weighmaster, to watch the conduct of the individuals in possession of the weights and scales, and regulate those in public use; and from the absence of any efficient public officer to attend to the fairs and markets, and the present application of the tolls and charges demanded in them to the private uses of individuals, their collection continues to be what it is stated always hitherto to have been, the source of grievous vexation and complaint.

There is a butter weighhouse, built in 1825, partly by subscription and partly by the weighmaster, out of the fees of his office.

The Tolls of the Tuesday's market and of the fairs held in the town are claimed by the Earl of Egremont, under letters patent from King James I., in the seventh year of his reign, to Donat Earl of Thomond. (Pat. 7 Jac. I. p. 2. m. 42.) The power of holding a Court of Pie Poudre is contained in the grant, but such a court does not appear to have been held in modern times. Tuesday is the market day mentioned in the patent, but the tolls are collected every day in the week. Tolls.

36. In general the Town is not considered to have improved of late years, but the corn and butter market for export has greatly increased. Vessels can come up to the village of Clare, about two miles distant from Ennis, and could be easily enabled to reach the town by some improvements in the river Fergus, for which a loan of £9,000 was applied for to the Commissioners of Public Works, but not granted from the inability of these places to offer the required security.* State and Prospects of the Town.

* First Report of Commissioners on Public Works, Ireland, p. 11. 26.

ENNIS.

The quantity of grain sold in Ennis in the past year has been estimated at
60,000 barrels of wheat at 20 stone to the barrel,
30,000 „ barley 16 „
and 100,000 „ oats 14 „

It has been suggested to us that a moderate toll on these commodities, which are the chief articles of commerce in Ennis, would produce an adequate fund for the payment of municipal officers, and paving, lighting, and cleansing the town, and would not, when so applied, be objected to. This suggestion, however, supposes the extinction of the rights of the Earl of Egremont as owner of the market tolls.

Guild of the Staple at Clare.

37. A Guild of merchants of the Staple was created at Clare, by a charter granted by King James I., in the twentieth year of his reign, by the name of the mayor, constables, and society of the staple of that town. We could not find any trace of this institution now existing. The charter is enrolled. (Rot. Pat. 20 Jac. I. p. 2. m. 24.)

Clare may be considered as the port of Ennis. It has, by the enumeration of 1831, a population of 1,021 persons.

Statistical Details.

38. In 1831, the town of Ennis contained

Houses inhabited	1,081
Ditto uninhabited	3
Ditto building	20
Families chiefly employed in agriculture	293
Ditto trade, manufacture, and handicraft	518
Ditto not comprised in the two preceding classes	401
Persons: males, 3,549; females, 4,162. Total	7,711
Ditto employed in retail trade or handicraft	743
Ditto capitalists, professional and other educated men	165
The population, in 1821, was	6,701
Increase in 10 years	1,011

Observations.

39. The corporation of Ennis cannot be considered as at present of any public utility. The only efficient office, that of the vice-provost, is no longer filled, and the provost has been latterly appointed for no other purpose that we can observe, but to act as returning officer at the election of a Member of Parliament, and preside at the meetings of the burgesses. The useful powers conferred on the provost by the charter, have been neglected and abandoned, and a few individuals, the nominees of the patrons of the borough, who meet only to elect the provost, and fill up vacancies in their own number, present the mere form of a corporate body, without affording the slightest service or benefit to the inhabitants. The discontinuance of the local court, the collection and application of the tolls, and the neglect of the state of the public markets, are the principal topics of general complaint, and a reformation which would tend to the correction of these evils is much to be desired.

We have the satisfaction of adding, that, on the occasion of our visit to Ennis, one of the most influential members of the corporation testified before us his willingness to give effect to such arrangements as might be acceptable to the inhabitants, and beneficial to the town, and we found no evidence of any disinclination on the part of the burgesses to accede to such changes as might be satisfactory to the inhabitants for the regulation of their internal police.

Acts of Parliament.

40. There are not any Acts of Parliament relating to this town.

Documents sent.

41. We send with this Report a copy of the Schedule of Tolls claimed by the lessee of the Earl of Egremont, and of the Schedule of Cranage Charges claimed by the Vice-Provost, with the resolution of the Provost's Jury thereon, of 25th November 1825.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Ennis, the 23d and 24th days of September 1833.

575

REPORT

ON THE

CORPORATION OF THE TOWN AND COUNTY OF THE TOWN OF GALWAY.

CONTENTS.

	Page
LIMITS	317
CHARTER of Richard II.	317
Existence of a previous Municipality	317
Second Charter of Richard II.	317
Grant of Tolls and Duties	317
Confirmations	317
Charter of Richard III.	317
Charter of Henry VIII.	317
Confirmation by Edward VI.	318
Charter of Elizabeth	318
Admiralty Jurisdiction created	318
Charter of James I.	318
Rights of the Freemen before Charles II.	318
Council	318
"New Rules" and Charter of Charles II.	318
Governing Charter	319
Statutes	319
Charter of James II.	319
Guilds or Companies of Trades	319
Title of the Corporation	319
Officers named in the Charter	319
Other Officers	319
Number of Freemen	320
Mayor, how elected	320
Provisions as to Residence	320
Deputy	320
Sheriffs, how elected	320
Aldermen	320
Free Burgesses, how elected	320
" and Number	320
Select Body	320
Recorder, how elected	320
Deputy	320
Town Clerk, how elected	321
Deputy	321
Swordbearer, how elected	321
Mayor and Constables of the Staple	321
Chamberlain	321
Water Bailiff, Weighmaster, Coroner, &c.	321
" how elected	321
Beadle	321
Rights of Freedom	321
None by Birth, &c.	321
Non-resident Freemen	321
Quo warranto against them	321
Rights by Statute	321
and by "New Rules" and Charter	321
Statute 4 Geo. I. c. 15	321
and 1 and 2 William IV. c. 49.	322
Mode of obtaining Freedom	322
Numbers registered in 1832	322
Honorary Admission	322
Fees and Stamp Duty	322
Freedom	322
Abuses in Admission	322
Numbers qualified	322
Constituency	322
Remarks on the Constitution of the Corporation	323
Secrecy in the Council	323
Mayor, his Functions and Emoluments	323
Sheriffs, ditto	324
Recorder, ditto	324
Town Clerk, ditto	324
Coroner, ditto	325
Swordbearer, ditto	325
Water Bailiff, ditto	325
Chamberlain	325
Weighmaster	325
Pilot	325
Privileges of Freemen	325
Tholsel Meetings	325
Jurisdiction	325
Borough Quarter Sessions	326
Grand and Petty Juries	326
Costs of Indictments, &c.	326
Officers presented for	326
Tholsel Court	326
Its Jurisdiction	326
Process	326
Juries	326
Court Days	326
Attorneys	326
Number of Causes	327
Delays	327
Costs	327
No Court for Small Debts	327
Petty Sessions	327
Police	327
Streets and Roads	327
Presentments, how levied and applotted	327
Their Amount	328
Weight of them on the Town	328
Fisheries	328
Gaol	328
Number of Prisoners	328
Proposed Consolidation with the County Gaol	328
Gaoler	328
Patronage	328
Royal College of Galway	328
Parishes comprised in it	329
Tithes	329
Warden and Vicars, how elected	329
Their Duties	329
Extent of the Parishes	329
Poor	329
Schools	329
REVENUES	329
Tolls	330
Charter Duties	330
Contests about them	330
Tolls and Duties	330
Condition of the Charters as to their Application	330
Information to enforce their Observance	330
Decree	330
and Appeal	330
Forfeited in 1641, and restored	330
Schedules require revision	331
Landed Estate, and how lost	331
Taxes and Quarterage	331
Charitable Funds	331
Expenditure	331
Toll Cause, Costs of	331
Ballast Office	332
Harbour Commissioners	332
State and Prospects of the Town	332
STATISTICAL DETAILS	332
Population	332
Trade	333
Local Acts	333
List of Documents	333

TOWN AND COUNTY OF THE TOWN OF GALWAY.

LIMITS.

1. THE Town and County of the Town of Galway comprise the present town and suburbs (with the exception of the county court house and gaol) and a considerable district extending between two and three miles round the town. The entire of the parish of St. Nicholas and parts of the parishes of Rahoon and Oranmore, are contained within these Limits, which have not been altered by the Boundary Bill.

CHARTER of Richard II.

Evidence of the Existence of a previous Municipality.

2. The earliest known Charter relating to the election of corporate officers in Galway, was granted by King Richard II., in the nineteenth year of his reign; (1395;) but the existence of municipal authorities before that period, is evidenced by this charter being granted to "the provost and co-burgesses of the town of Galway," and by a murage grant of Edward III., for five years, to "the bailiffs and goodmen" of the town, of certain customs on saleable commodities.* It also appears, that in 1374 a writ issued to the sheriff of Connaught to distrain the provost and bailiffs of Galway by their lands and chattels, until they should render an account of the murage and pavage; and summonses to Parliament, in the years 1376, 1380, and 1384, were addressed to the provost and bailiffs of Galway. A writ of the Lord Justice of Ireland, 13th May 1377, mentions the sovereign, provost, and burgesses. Edward III., in the forty-ninth year of his reign, (1375,) ordained, "to provide for the relief of the burgesses and merchants of the town," that the staple should be there for three years. This grant is enrolled. (Rot. Pat. 49 Edw. III. m. 9. f.)† The town is, therefore, said to have been a corporation by prescription. By the charter of Richard II. he granted to the provost and co-burgesses power to elect among themselves a sovereign annually; and that no merchant, or other person, foreign or native, who should not be continually resident in the town, and sworn a co-burgess, should buy or sell by retail within the liberty of the town.

Grant of the Liberties, &c. of Drogheda.

This charter also granted to the co-burgesses, that they should have and use within the government, power, and dominion of the King, the Liberties, Franchises, Jurisdiction, Privileges, Cognizance of Pleas, Tolls, and Free Customs, enjoyed and used by the burgesses of Drogheda on each side of the water.

2d Charter of Richard II.

Grant of Tolls and Duties,

for Murage and Pavage.

3. By a further Charter, in the nineteenth year of his reign, Richard II., "for the safety of the town to be enclosed with a stone wall, and the parts adjacent, and in aid of the paving of the town," granted to "the provost and bailiffs, and communities" of the town and their successors, that they might take, for all saleable things coming to the town by land or by water, or passing from the same, certain Customs or Tolls enumerated in the charter, and commanded the provost, bailiffs, and commonalty to cause them to be levied: "provided always, that the income arising therefrom should be faithfully expended on the Murage and Pavage of the said town, and not otherwise."

This charter forms the original title to the tolls now collected; and the proviso for their expenditure has been lately made the subject of an information in Chancery, the proceedings in which will be noticed hereafter.

Confirmations by Henry IV. and Edward IV.

4. These charters of Richard II. were confirmed by Henry IV. and Edward IV., and the Charter of Confirmation of the latter monarch contains a similar proviso as to the application of the tolls.

Charter of Richard III.

Creating a Mayor and Bailiffs as in Bristol.

5. From the grant of the first Charter to the year 1484, the chief officer of the corporation was the sovereign, elected under the authority of that charter. Provosts also appear to have been appointed, but the constitution was altered in that year by Richard III., who, by a charter dated 15th December, in the second year of his reign, after confirming the charter of Richard II., and the grant of tolls, with a similar proviso as to their application, granted licence to the sovereign, provosts, bailiffs, and commonalty, yearly, for ever, of their common assent, to elect a Mayor and two Bailiffs, as was accustomed to be done in the town of Bristol, well and laudably to rule and govern the said town of Galway, and the laws and good customs therein anciently used and approved of, to maintain and administer.

Charter of Henry VIII.

Grant of the Port of Galway to the Corporation.

Exemption from Tolls.

6. The next Charter granted to the town of Galway, is that of Henry VIII., July 3 1545. By this charter, after a recital and confirmation of those of Richard II., the Port of Galway, and the bay, or arm of the sea, which enters between the islands of Arran, and from thence flows to the town of Galway, are granted to the mayor, bailiffs, burgesses, and commonalty. The burgesses and commonalty are declared to be eased of Toll, Lastage, Pontage, Murage, Pavage, Poundages, and other customs and usages, throughout all Henry's kingdoms and power. The mayor is directed to be sworn before the preceding mayor, or two others who have previously served that office. This charter also contains some provisions as to prisage of wines and customs, and grants to the mayor, bailiffs,

* This instrument is published, p. 58 of "The History of the Town and County of the Town of Galway by James Hardiman, Esq." late a Subcommissioner of Public Records. It is stated there to be on record in the Tower of London. (Pat. 34. Edw. III. p. 1. m. 20.) We have received valuable assistance from this work in the course of our Inquiry,

† Revoked in 1377. (Rot. Claus. 51 Edw. III. m. 7. f.)

burgesses, and commonalty, the Liberties, Usages, Jurisdictions, Privileges, Franchises, Customs, and Cognizance of Pleas of the mayor, sheriffs, burgesses, and commonalty, of the town of Drogheda, saving to the King and his heirs, the rents, services, amercements, issues, and other profits, "to us and our ancestors, lords of the town, aforesaid," out of the town, and the courts of the same, issuing, belonging, or appertaining.

Grant of the Liberties of Drogheda.

This charter also contains a saving to the King, his heirs and successors, of the customs of every last of hides in the port, which is called the cocket, and a saving to the provost and burgesses of the town of Athenry of their accustomed liberties, franchises, and privileges, in the town and port of Galway.

Confirmation by Edward VI.

7. These charters were again confirmed by Edward VI.

Charter of Elizabeth.

8. Elizabeth, in the twentieth year of her reign, granted a new Charter to the corporation. (Pat. 20. Eliz. a. 5.)

By it, after reciting at length the former charters, she confirms to the mayor, bailiffs, burgesses, and commonalty of the town, and their successors, all the privileges, &c., granted by those charters, and gives them, among other new privileges, power to elect yearly a Recorder, Coroner, Escheator, Customer, Comptroller of Customs, Searcher, Gauger, and all other officers and ministers necessary and convenient within the town and liberties, with the like powers, fees, &c. as other similar officers had and enjoyed in any towns, cities, or other places in Ireland.

Recorder and other Officers created.

Admiralty Jurisdiction given to the Mayor.

The charter confers on the Mayor the office or authority of admiral within the town, its liberties, franchises, and suburbs, and within and over the islands of Arran, and from those islands to Galway, on each side of the water, as well by sea as by land and fresh water, and grants to the mayor, bailiffs, burgesses, and commonalty, that they may have and levy for the common use of the town, all wrecks, forfeitures, fines, &c. arising from this Admiralty Jurisdiction.

Privileges granted to the Burgesses.

It exempted the Burgesses inhabiting, dwelling, or residing within the town, franchises, and liberties, from being compelled to come to any assizes, sessions, inquests, or juries, in Dublin or elsewhere, in Ireland, concerning matters arising within the town, and from being put on juries without the town for civil matters.

Customs granted as by Richard II. for same Purposes.

This charter also grants to the corporation the Customs therein mentioned, (which are the same as those granted by Richard II.:) "provided always, that the monies arising thereout shall be faithfully expended on the murage and pavage of the town, and not elsewhere or otherwise." It further makes the mayor and recorder for the time being, justices of the peace within the town and liberties, with *non-intromittent* clauses against the interference of all other justices, sheriffs, escheators, and other officers of the Crown. It also empowers the corporation to have a gaol within the town, and grants to them, in very ample words, the liberties and franchises enjoyed by the corporations of Waterford and Drogheda.

Charter of James I.

9. James I., by Charter, in the eighth year of his reign, confirmed the previous privileges, and erected the town, and all castles, messuages, lands, &c., within the space of two miles of every part of it in a straight line, into a county of itself, distinct from the county at large, by the name of "The County of the Town of Galway;" the sites and precincts of the abbey of St. Francis, and St. Augustine's fort, and the lands belonging to the fort, were reserved as part of the county of Galway, for holding the assizes and county courts.

County of the Town created.

Sheriffs.

Guild of the Staple.

The mayor, bailiffs, burgesses, and commonalty were, by this charter, incorporated by the name of "The Mayor, Sheriffs, Free Burgesses, and Commonalty;" and a Guild of Merchants of the Staple, consisting of a mayor, two constables, and such number of merchants as they should think most expedient, was also incorporated. The election of the sheriff is directed to be by the mayor, sheriffs, free burgesses, and commonalty, or the major part of them, on Lammas day, out of the free burgesses, and they are to be sworn in on Michaelmas day, to hold office for a year from thence, and until their successors should be elected and sworn. This charter grants the mayor power to have a sword borne before him, and provides for the appointment of a swordbearer. It is enrolled in Chancery. (Pat. 8 Jac. I. p. 3. m. 28. d.)

Rights of the Freemen as Electors, before the Charter of Charles II.

10. About this period it would seem that the Right of the Commonalty, or Freemen, to share in elections had been doubted, or encroached upon; for, by a bye-law of 1605, it is provided that every freeman, "being merchant, dwelling in town, keeping crock-and-pan, and paying tax and talliage should have a voice in electing officers yearly, and also in all general matters which should happen." This power the freemen appear to have exercised at what is called, in the corporation books, a meeting in tholsel, an assembly which is still kept up, at least in form.

Council.

A Council existed from a very early period, consisting of the mayor, sheriffs, or bailiffs, and the burgesses, or free burgesses, several of whom having either served the office of mayor, or being selected as eligible to that office, were called at one period mayors, and more recently aldermen; the number of members of the council does not appear to have been defined.

Alteration by the "New Rules" and Charter, 29 Charles II.

11. Important Alterations were made in the constitution by the "New Rules," in the twenty-fifth year of the reign of Charles II., in pursuance of the Act of Explanation, and a new charter, embodying these rules, was granted by that monarch, in the twenty-ninth year of his reign.

This charter, after constituting the town of Galway a free borough, and the town and all land within the space of two miles from it, a county of itself, declares that there shall be in the town and county of the town, a body corporate, consisting of one mayor, two sheriffs, free burgesses, and commonalty, with power to return, as formerly, two persons to Parliament. It declares that 13 persons named in it, and such others as the mayor, sheriffs, and the

major part of the burgesses for the time being shall choose, shall be the first free burgesses, and constitutes all such inhabitants of the town, and such and so many others as the mayor, sheriffs, and free burgesses shall admit into the Freedom of the town, to be of the commonalty. Persons to be admitted to Freedom.

The power of electing the Mayor, Sheriffs, Recorder, and Town Clerk, and other Officers, is, by this charter, given exclusively to the mayor, sheriffs, and common council, and the names of the persons so elected to the offices of mayor, sheriffs, recorder, and town clerk are directed to be presented to the Lord Lieutenant and Privy Council, for their approval. A further important provision of this charter is, that no matters in anywise relating to the affairs of the town shall be propounded or debated in the tholsel, or general assembly of the town, until the same shall have first passed the common council, on pain of disfranchisement of the person offending against the rule. Election of Mayor, &c. confined to the Council.

This charter also creates a Guild of Merchants of the Staple, and a weekly Court of Record to be held before the mayor and recorder, or their deputies, and restores and confirms to the corporation all the estates, liberties, customs, &c., which they enjoyed under any former charters, or other title, on the 22d day of October 1641, (the day before that on which the Irish rebellion broke out,) but with certain savings, which will be hereafter noticed. Guild of the Staple.

12. This is the Governing Charter of the corporation; but certain regulations, which will be noticed in the course of this Report, have been made as to the election of officers and admission of freemen, by an Act of the Irish Parliament, 4 Geo. I. c. 15, recently altered in favour of Roman Catholics, by an Act of His present Majesty's reign, 1 and 2 Will. IV., c. 49. This charter is enrolled. (Rot. Pat. 29 Car. II. p. 2. m. 30.) Governing Charter. Statutes.

13. In the year 1687, a *quo warranto* from the Exchequer was issued against the corporation by the attorney general of King James II., and an order was made by the Council that the corporation should surrender their charter to His Majesty, or the Lord Lieutenant, as thought fit by the recorder, or, if he should see cause, to plead to the *quo warranto*. Judgment was had against them, and the charters were seized into the King's hand, and a new charter of incorporation granted, for obtaining which the sum of £150 was ordered to be applotted on "the freemen of the guild company of the corporation." It was part of the instructions given by the common council on the occasion, that application should be made to have the boundary enlarged to four miles, but the present boundary is founded on the preceding charters. This charter, in common with many others granted by the same monarch to different corporations in Ireland, was only acted on during the remainder of his short reign. It provided that the common council should consist of the mayor, recorder, 26 aldermen, two sheriffs, 60 free burgesses, and a chamberlain. The election of the mayor, and other officers, and the power of admitting freemen were given exclusively to the common council, and a power of amotion was given to the chief governor by order of the Privy Council. This charter was enrolled. (Rot. Pat. 4 Jac. II. m. d.) Proceedings in the Reign of King James II.

14. There do not appear to have been any Guilds or Companies of Trades incorporated by royal charter in the town of Galway, except the guild of merchants of the staple; but the corporation books contain occasional notices of the incorporation of such companies by the mayor and common council, and the charter of James II. states this to have been the former usage. In 1688, a charter was thus granted to the joiners, masons, shipwrights, plasterers, turners, slaters, sawyers, upholsterers, millers, and millwrights, and charters soon after to the tallowchandlers and soapboilers, carpenters and smiths. A company of plasterers and painters is mentioned in an entry of October 1686. A charter also appears to have been granted to the feltmakers. By a warrant produced to us, dated in the year 1714, from the mayor of Galway to the master, wardens, and company of the bakers and cooks, we conclude that a charter had also been granted to this company. The existence of such bodies is to be inferred from the 4 Geo. I. c. 15. s. 5, and they are kept up, in some form, to the present day by the members of various trades, who elect masters and wardens, admit freemen on payment of certain fees, and make rules for the regulation of the trade as to apprentices, wages, &c. These rules, and the practice of the members, tend to keep up the rate of wages, and to the exclusion from work of persons not free of the guild, but acts of violence against strangers have not lately occurred. The guilds have not been for many years recognised as component parts of the corporation, or admitted to any privileges connected with it. The power of incorporating such companies is not expressly given by any of the charters, except that of James II. Guilds or Companies of Trades.

15. The Title of the Corporation, by the charter of Charles II., is, "The Mayor, Sheriffs, Free Burgesses, and Commonalty of the Town and County of the Town of Galway." Title of the Corporation.

16. The Officers of the corporation named in it are, Officers named in the Charter.

A Mayor,
Two Sheriffs,
Free Burgesses, unlimited,
A Recorder,
A Town Clerk,
A Mayor of the Staple,
Two Constables of the Staple,
A Swordbearer.

The other Officers appearing to be appointed by the corporation are, Other Officers.

A Chamberlain,
A Water Bailiff,

A Weighmaster,
A Coroner,
Four Serjeants at Mace,
A Macebearer,
A Pilot.

Number of Freemen.

17. There were 793 Freemen registered as voters in 1832, but 688 were directed to be struck off the registry by order of the Speaker of the House of Commons, on the report of an election committee in 1833; 445 of these have been registered anew, since the period of our visit to Galway. The number of non-resident freemen on the corporation books is stated to be 923.

Mayor, how elected.

18. The Mayor is elected at an annual meeting of the mayor, sheriffs, and common council. He must be a free burgess, and must, under the "New Rules," and the charter of Charles II., be approved of by the Lord Lieutenant and Privy Council. The mayor does not lose his office of free burgess during his mayoralty, and there is no provision by charter, or bye-law, against the re-election of the same individual as mayor in successive years. This has, accordingly, frequently happened. A vacancy occasioned by the death of the mayor in office must be supplied, for the remainder of the year, within 15 days, and the power of election, in such cases, is in the sheriffs and common council.

Provisions as to Residence of the Mayor, &c.

19. It was provided by the statute 4 Geo. I. c. 15. s. 3, as a great encouragement to the Protestant inhabitants to continue, and to other Protestants to come and inhabit in the town of Galway, that from the 25th day of December 1717, none should be elected Mayor, Sheriffs, or Common Councilmen, who should not be inhabitants within the town and liberties thereof at the time of election, and resident for one whole year before. In practice, it is not now considered necessary that the mayor should be a resident inhabitant at the time of election, probably upon the authority of the statute 21 Geo. II. c. 10. s. 8, which—reciting the difficulty of finding Protestant inhabitants in many towns corporate, and boroughs, not being cities, who, on account of their circumstances, were fit to be trusted in the offices of burgesses, and other offices therein; and that it was questioned whether, under the charters, persons, not inhabitants, could be elected burgesses or other officers—enacts that no person, in other respects duly elected and admitted into such office, or franchise, should be ousted or molested by reason of his not being an inhabitant, or resident, at the time of his election. It seems also to have been considered that a residence at any time, for the period of a year, though not immediately before the election, was sufficient to satisfy the provision of 4 Geo. I. c. 15. s. 3.

Deputy Mayor.

20. The mayor, in case of sickness, or absence, " on urgent or important occasions of his own," may appoint a Deputy during the time of such sickness or absence. It is not necessary by the charter that the deputy should be a free burgess, or of the common council; but, by a bye-law of 1685, it was provided " that no deputy mayor should be but one of the aldermen or free burgesses, to be nominated by the mayor and approved of by the major part of the common council." This power of appointing a deputy appears to have been exercised frequently, even within the last 10 years, by an appointment extending in practice through the whole year of office of the mayor elect, so as to dispense entirely with his personal attendance, and for four years, namely, 1823, 1824, 1825, and 1826, the same individuals filled the offices of mayor and deputy without interruption. This course of proceeding does not appear to us to be warranted by the provisions of the charter, which we consider as only providing for the sickness, or occasional and necessary absence of the mayor, and a temporary appointment of a deputy during such emergency. It is obviously calculated to enable non-residents to fill the office, without incurring the trouble or responsibility of the important duties attached to it.

Sheriffs, how elected.

21. The Sheriffs are elected by the same body, and at the same meeting, as the mayor. They must be free burgesses, and must be approved of by the Lord Lieutenant and Privy Council. The same person is frequently re-elected, and the provision against non-residence is not observed, at least as to one.

Aldermen.

22. The names of Aldermen occur in the more ancient books of the corporation as elected by the common council out of the free burgesses, and the number was, at one time, limited to 28; but they were not a distinct body, and it appears to have been principally a title of dignity, conferred on those who had served the office of mayor.

Free Burgesses, how elected,

23. The Free Burgesses are, under the charter of Charles II., to be elected by the mayor, sheriffs, and major part of the free burgesses. Being a freeman of the corporation, appears to be the only qualification for the office. The restriction as to residence, in the 4 Geo. I. c. 15, mentions common councilmen, and there appear to have been persons formerly admitted as such, without being elected free burgesses.

and Number.

The Number of the free burgesses is unlimited; the present council consists of 41, of whom 15 are non-resident. The free burgesses hold the office until death, resignation, or removal. No instances have recently occurred of removal or resignation.

Select Body.

24. The mayor, sheriffs, and free burgesses constitute the Select Body or common council.

Recorder, how elected.

25. The Recorder is elected annually by the common council. He is not required to be a free burgess, but must be learned in the laws. The recorder has always been a barrister, and the same individual has been generally re-elected. His name must, under the " New Rules," be submitted to the Lord Lieutenant and Privy Council for approval.

His Deputy.

26. The recorder has a similar power of appointing a Deputy to that given to the mayor,

in case of sickness or necessary absence. This power has been exercised by the present recorder for the last ten years. The deputy (who is also a barrister) only acts occasionally, in the absence of his principal from sickness.

Town Clerk, how elected.

27. The Town Clerk is annually elected by the common council. It is not necessary that he should be a free burgess or freeman. His name must also be submitted to the Lord Lieutenant and Privy Council under the "New Rules."

His Deputy.

28. The town clerk has exercised the power of appointing a Deputy, and such appointment appears to be recognised by the common council; this power is not given by any of the charters.

Swordbearer.

29. The Swordbearer is annually elected by the common council; the same individual has been re-elected for the last 42 years.

Mayor and Constables of the Staple.

30. By the charter of Charles II., the mayor and sheriffs are to be the Mayor and Constables of the Staple for the year succeeding their year of office. This guild has fallen completely into disuse, and no such officers are now known.

Chamberlain.

31. A Chamberlain was formerly elected by the common council to receive and account for the revenues of the corporation, but this office latterly became merely nominal, and was conferred on the recorder for the time being. There has not been an appointment of a chamberlain since 1808.

Water Bailiff and Weighmaster.

32. The common council also annually elect the Water Baliff and Weighmaster. The same individuals are usually re-elected.

Coroner, &c., how elected.

The Coroner, Serjeants at Mace, and Macebearer are elected by the same body, who also elect for life a pilot of the harbour.

33. The names of all the officers elected by the common council, except those of the mayor, sheriffs, recorder, and town clerk, are afterwards proposed to the freemen in tholsel, for their approbation. This appears to be a mere form in compliance with the ancient usage, and not necessary under the charter of Charles II.

Beadle.

34. The office of Beadle is mentioned in the 4 Geo. I. c. 15. s. 5. No such office appears now to exist.

Rights to Freedom.

35. Persons entitled of right to their Freedom, are admitted by the mayor, assisted by some of the common council.

None by Birth, Marriage, or Apprenticeship.

Rights of admission by Birth, Marriage, and Apprenticeship have not been allowed of late years, although formerly recognised. These titles are not noticed in the charter of Charles II., which gives to the mayor, sheriffs, and free burgesses the power of admitting inhabitants and others to the freedom of the town. This power has been, at different times, extensively exercised by the common council, particularly in the creation of Non-resident Freemen. A considerable number of freemen, chiefly non-resident, were created by the council in 1793, the year in which the first relaxation of the penal laws permitted Roman Catholics to be admitted to corporations, and those admissions were confirmed in 1796. The political influence in the Parliamentary representation of the borough, acquired by means of the non-resident freemen, was from about the year 1805 warmly contested; and, in 1812, the non-resident freemen of 1793 were struck off the poll by a committee of the House of Commons, on an election petition, but they remained on the books of the corporation as freemen.

Non-resident Freemen.

Quo warranto to try the Right of the Council to admit Non-residents.

A *Quo warranto* was afterwards brought, in 1814, by agreement between the parties interested in the question, against two of the Non-residents, to try the Right of the Common Council to admit such Freemen. The relators chiefly relied on the Irish statute 10 Henry VII., c. 7. s. 1. The Courts of King's Bench and Exchequer Chamber in Ireland decided in favour of the right, and the judgment was affirmed, on appeal to the House of Lords.

The power of admission of non-resident freemen has been established by these decisions, but they have now lost their chief privilege (that of voting for Members of Parliament) by the Reform Bill.

Rights to Freedom by Statute and Charter.

36. The recognised Rights to Freedom are those given by the "New Rules" and charter of Charles II. and the statutes 4 Geo. I. c. 15, and 1, 2 Will. IV. c. 49.

By the "New Rules" and Charter of Charles II. For Foreigners.

37. The provisions of the "New Rules" for Galway, and the Charter of Charles II. as to admission of freemen, are the same, and are similar to those made for other corporations of that period; declaring that all Foreigners, Strangers, and Aliens, as well others as Protestants, who were, or should be, merchants, traders, artisans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft, or trade, in the working or making any manufacture, or in the art of navigation, then residing or inhabiting within the town, or who should at any time thereafter come into it, with intent and resolution there to inhabit, reside, and dwell, should, on request, and payment of 20s., by way of fine to the chief magistrate and common council, or other persons authorized to admit freemen, be admitted a freeman of the town; and, if desired, of any guild, brotherhood, society, or fellowship of any trade, craft, or mystery, within the same, during residence for the most part; the persons so admitted are thenceforth to be deemed denizens within the kingdom; they are required to take the oath of allegiance, and the accustomed oaths of freemen, and the penalty of disfranchisement is declared against any chief magistrate, or others, refusing to admit them, or disturbing them in trade.

These provisions being confined to foreigners, strangers, and aliens, have been little, if at all, acted on in Galway.

By 4 Geo. I. c. 15, for all Protestant Artificers,

38. The enactments of the 4 Geo. I. c. 15, are more comprehensive. By that statute, s. 5, it is provided that all persons "professing themselves of any trade, mystery, or handicraft, that do, or shall come to inhabit, dwell, or reside in the town, in order to follow their respective

trades," shall be free of the town and corporation, and of that company or corporation to which their respective trades belong, without paying any thing for their said freedom; and shall continue freemen of the said company and corporation, to all intents and purposes, as long as they inhabit or dwell in the town, and be exempted from all corporate taxes and fines for not serving as beadle, for the space of seven years next after their coming to inhabit in the town. The sixth section confines the right of admission to Protestants, a restriction which had been previously attempted to be imposed on all admissions of freemen, by an act of the common council, 17th January 1697, which prohibited any person (except those entitled as foreigners under the "New Rules" and charter) from being admitted and sworn, without first taking the oaths of allegiance and supremacy.

and by 1, 2 William IV. c. 49, for Catholics.

It was decided by the Court of King's Bench in Ireland, in 1821, that the exclusion of Roman Catholics under this Act, was not affected by the first Relief Act, 33 Geo. III. c. 21; (Ireland;) and the general Emancipation Act, 10 Geo. IV. c. 7, did not contain any provision to amend the law in that respect; but this has been since done by the statute 1, 2 Will. IV. c. 49.

Admissions under 4 Geo. I. c. 15, few.

39. The Admissions to freedom under the 4 Geo. I. c. 15, appear to have been few; a circumstance partly attributable to the fact of the great majority of the population of Galway and its vicinity being Roman Catholic, and partly to the facility of admission by the discretionary power of the common council, and the interest of that body to resist admission as of right.

Doubts on the Construction of this Act.

It has been suggested as doubtful on the Construction of this Act, whether, under the words, "do or shall come to inhabit, &c.," it includes any, save those who, at the time of its enactment, were inhabitants of Galway, and those who should thereafter *come to reside* there for the purposes mentioned in the Act; thus excluding persons since born in the town, or coming to reside there for other purposes, and afterwards entering into trade. This doubt does not appear to us to be well founded, and no such distinction was made in the numerous admissions of freemen since the 1, 2 Will. IV. c. 49, was passed. It is, however, apprehended by some, that advantage may be taken of it to give the mayor a power of exercising a discretionary control over admission, unless the doubt shall be removed by an amendment of the Act.

Mode of obtaining Admission.

40. The practice has been for persons seeking Admission under these Acts, to serve notice in writing on the mayor, stating their qualifications, who appoints a day for taking the claims into consideration. The truth of the claim is investigated, if doubted, but no examination takes place on oath. Some of the council and the recorder assist the mayor in considering the claims. Of the present resident freemen, nearly all were admitted as of right, in September 1832, shortly after the passing of the Reform Bill, which excluded the non-resident freemen. These, in number 688, were registered as voters in the following month, and voted at the general election in December, but were afterwards, by an election committee, struck off the poll as not having had any right to vote at the election.* It is complained of, that persons were admitted, on that occasion, who had not previously followed the trades which they professed. This complaint, if well-founded in fact, seems not to be supported by the language of the statute, which does not require any apprenticeship to, or even previous practice of, the trade by the applicants for admission.

Numbers registered in September 1832.

The Statutory Provisions not now applicable to the times.

41. The Statute, so far as it relates to freemen, seems not adapted to any peculiar exigency of modern times. Its main object, the encouraging Protestant artificers, has been abandoned by the enactment of the 1, 2 Will. IV. c. 49; and there does not appear to be now, if there was at any time, a necessity, on commercial grounds, to invite, by special enactment, persons merely professing trades, to come from other places to settle in Galway.

Honorary Admissions.

42. No right by birth, service, or marriage, being now recognised, the only other Admissions to Freedom are honorary, by the common council, under the power conferred on them by the charter of Charles II. By far the greater number of the non-resident freemen are of this description. There have been of late few honorary admissions.

Fees and Stamp Duty.

Abuses in the Admissions in September 1832.

43. There are not any Fees payable on the admission of freemen; the only expense incurred is the Stamp Duty, now only £1, on admission by right. The payment of this small sum is said to have tended to limit the number of applicants for admission, and, which is of more importance, has afforded an opportunity to individuals to aim at an undue political influence, by the payment of the duty for the freemen. This appears to have been done to an enormous extent on the occasion of the numerous Admissions in September 1832. At that period of the 688 admitted, it is stated that not one-tenth paid for their own stamps, the rest being provided at the expense of those interested in the then approaching contest for the representation of the borough. The practice was so notorious, that it appears even to have been a subject of complaint on the part of persons seeking admission, that the stamp duty was not paid for them.

Numbers qualified, and not admitted.

44. The Number of residents entitled to Admission under the 4 Geo. I. c. 15, and 1, 2 Will. IV. c. 49, considerably exceeds the number already admitted. None have applied for admission since September 1832. It is stated that the existence of the stamp duty prevents many from applying. As to some, this may probably be the case from necessity; as to others, from the expectation that at a future period it may be paid for them; others have acquired the elective franchise as householders, &c., under the Reform Bill. But for purposes of practical utility, and the independence of the freemen as a municipal body, it is desirable that the right of admission should not be limited, as it is very much at present, to a class to whom the payment of a stamp duty of £1 appears to be an object of sufficient consideration to prevent their claiming the privilege.

Proportion of Freemen to the Constituency.

45. The Proportion of Freemen in the Constituency, under the Reform Bill, as it stood in December 1833, and stated in the following Table, will tend to exhibit the state of the corporation previous to that Act, and the class of individuals since admitted as freemen:

* Case of the Town of Galway.—1 *Perry and Knapp*, 302.

£10 Householders -	611	
£50 Freeholders - -	75	
£20 Ditto - - -	50	
40*s.* Ditto - - -	508	Principally in the suburbs and county of the town.
£10 Leaseholders -	11	
£20 Rent chargers -	4	
£50 Ditto - - -	2	
£20 Leaseholders -	5	
£10 Freeholders - -	3	
Resident freemen - -	793	Comprising 688 admitted in September 1832.
	2062	

Remarks on the Constitution of the Corporation, and its Defects.

46. By the charter of Charles II. the management of the affairs of the Corporation was placed entirely in the hands of the select body. They have exclusively the election to the important offices of mayor, sheriffs, recorder, and town clerk; all other proceedings must originate with them, and until the rights of admission under the 4 Geo. I. c. 15, were lately extended to Roman Catholics, the select body had, in effect, the selection of the individuals to be admitted to the freedom of the corporation. The form of proposing the resolutions passed by the common council to the freemen in tholsel, appears to be kept up; but we have not found any instance of effectual interference by the latter body, with the resolutions so proposed to them; and as the members of the council attend as freemen at the meeting, the assemblies have generally consisted of the same individuals.

The members of the select body have all equal voices in council. An order of council, of 26th January 1679, declared that no person should be added to the common council, but by consent of the major part of that body, or excluded, but from some misdemeanour allowed of by the majority. By an order, of 19th January 1680, it was provided that such major part should consist of 21 at the least. This order does not appear to be enforced as to the numbers, and it is stated that, for some years past, the members of the council who attended, have not amounted to 20 at a time.

The constitution of the select body having given to its members the power of self-election, and the whole management of the corporate affairs being virtually in their hands, the same consequences followed in Galway, from such a constitution, as appears to have resulted in boroughs of far less magnitude and importance, from the like exclusion of more popular principles,—the borough gradually became, what it still continues to be, a completely close corporation. The council is at present composed of a comparatively small number, and many respectable inhabitants of the town are excluded from the corporation. It has been for many years under the patronage and influence of James Daly, Esq., of Dunsandle, and his family; at whose nomination the principal corporate officers appear to have long been elected by the common council, and for the 40 years preceding 1817 the name of Daly alone occurs in the list of mayors. The acts of the council in the election of officers and the admission of freemen, particularly non-residents, have been directed to the support of Mr. Daly's interest; and as the body is at present constituted, resistance in it to that interest, would have little, if any, chance of success. The effect has been, to place the corporation in opposition to a large proportion of the inhabitants, and the general state and prosperity of the town appear to have suffered from their mutual jealousies and disunion.

Attempt to remedy some of the Consequences, unsuccessful.

47. It was stated to us that, with a view to put an end to these differences, an Attempt was made, about eight years since, to effect an arrangement between Mr. Daly and the town, by the admission of about 100 freemen and 30 common councilmen from the inhabitants; but, on its being found by those who acted for Mr. Daly, that the names selected were those of individuals politically opposed to him, and some non-resident, the project fell to the ground. A previous attempt, on the part of the common council, to conciliate the inhabitants, by proposing the admission of the heads of respectable families to the freedom of the corporation, failed from an apprehension, on the part of those proposed, that by obtaining the franchise, not of right, as they conceived they were entitled to it, but by favour from the council, they would be bound in honour to support Mr. Daly's interest, an objection, however, which, on the part of the council, was distinctly disclaimed.

Secrecy in the Council.

48. The proceedings of the Council are secret, and a bye-law of 18th February 1679 imposed the penalties of exclusion and disfranchisement on those disclosing any secret or thing done or spoken in council.

The Mayor, his Functions and Emoluments.

49. The Mayor is a justice of the peace within the county of the town, and acts as such at the petty and quarter sessions, and transacts the general magisterial business of the town.

He is also, by the charter of Charles II., a justice of the peace for the county of Galway.

He is joined in commission with the judges of assize.

He is one of the judges of the civil court of the Borough, but does not attend it.

He is admiral of the town and bay to the Islands of Arran, an office under which he sometimes acts in the execution of process, beyond the ordinary limits of the local jurisdiction.

The mayor is the chief officer of the corporation, and, as such, convenes the meetings of the council, and presides at them.

The claims of applicants for admission to freedom, under the Acts already mentioned, are referred to and adjudicated on by him.

He acts also as clerk of the market.

There was formerly a salary paid to the mayor out of the funds of the corporation; the

amount varied. In 1685, it was fixed at £100 per annum. In 1694, the markets or tolls were let to the mayor for his salary at £200 per annum. In 1751, and for some years afterwards, the salary was £300. It appears to have been reduced, in 1764, to £150; but was again raised to £250, in 1771. But for many years previous to the tolls being taken out of the hands of the corporation, as hereinafter mentioned, the mayor, or his deputy, received the entire of the corporate revenues, paid some small sums in salaries to the other corporate officers, and other disbursements, and applied the surplus to their own use, without rendering any account to the corporation. The last mayor by whom they were so received, states that the surplus never produced to him more than £500 in one year. The mayor has not since received any salary. He appears also formerly to have been, in like manner, the receiver of the corporate revenues, but to have accounted for them to the corporation. In 1694 a chamberlain was appointed to that duty, and the mayor was ordered not to intermeddle with the revenues. The office of chamberlain was kept up effectively for a considerable period, but has long since fallen into disuse, as already noticed.

The mayor occasionally receives a fee of £1 1*s.* on affixing the corporation seal to powers of attorney relating to property in the colonies. There is an oyster bank near the town, called "The Mayor's Bank," to the proceeds of which the mayor is entitled during his year of office, but they are very trifling. There is no mansion house, and the situation is one at present attended with considerable trouble and responsibility, without any adequate pecuniary remuneration.

Sheriffs, their Functions and Emoluments.

50. The Functions of the Sheriffs are the same as those of sheriffs of counties at large. They execute, within the county of the town, the process of the superior courts, issue replevins, return juries to the assize and quarter sessions for the county of the town, and the civil court of the Borough, and are the returning officers at elections for the county of the town.

They have not any subsheriff or clerk, and one of the sheriffs only acts; the other, for some years, has been a non-resident, and there does not appear to be any necessity for a second sheriff.

The sheriffs were formerly paid a salary from the corporate funds. It appears to have been £70, in the year 1760; at other periods, lower; and the later payments did not exceed £30. It has not been paid since the tolls were taken out of the hands of the corporation.

The sheriffs receive the usual fees of the office on the execution of writs from the superior courts, and some fees on returning juries in the civil court of the Borough. These fees amount to about £150 per annum. There is also a presentment of £23 per annum made to the sheriffs by the grand jury of the county of the town in lieu of gaol fees, and of £2 10*s.* at each assizes, for supplying stationery to the court, &c.

These emoluments of the office are all received by the acting sheriff for his own use.

Recorder, his Functions and Emoluments.

51. The Recorder, or his deputy, is a justice of the peace for the county of the town and county of Galway.

He and the mayor, or their respective deputies, are the judges of the civil court of the Borough; the business of which is entirely done by the recorder, or his deputy, who also taxes the costs in that court. The present recorder is resident, and has been re-elected in every successive year since 1771, except for a few years in which his son filled the office. Both are barristers and free burgesses, and the latter occasionally acts as deputy recorder. The recorder is not, as such, a member of, or under any particular obligation to attend the common council, but advises them when called on.

The recorder was paid a yearly salary of £40 from the revenues of the corporation while they were in receipt of the tolls. His present Emoluments are very trifling; they arise from fees in the civil court, which, the recorder stated, do not amount to £20 per annum. This sum, with the former salary, might be sufficient to obtain the services of a resident for the performance of the duties of the office, which are not very frequent or onerous, and particularly when, in addition to its connexion with the governing body of the corporation, it confers on the holder the station of a magistrate. But the emoluments are obviously insufficient to induce a non-resident to attend to the duties, especially as he must be liable to the chance of an annual election, and could not, of course, be sure of permanently retaining the office.

Town Clerk.

52. The Town Clerk, who is also clerk of the peace for the county of the town, acts as clerk of the pleas of the civil court, issues the process of that court, has the custody of the records, and enters judgments, &c.

He acts as clerk of the peace for the assizes and quarter sessions of the county of the town.

He attends and records the proceedings of the meetings of the corporation, and has the custody of its books and records.

The town clerk appoints a deputy, by whom the principal duties of the office appear to be performed.

The books of the corporation in the possession of the town clerk are very imperfect, commencing so late as the year 1750. Of the earlier books, many were in the custody of the former town clerk, and were produced before commissioners who sat at Galway, on an election petition, in 1813, under the 42 Geo. III. c. 106. These books, except one, supposed to have been stolen, are now in the possession of Valentine Blake, Esq., of Menlough Castle, a gentleman long distinguished by his exertions to open the corporation. Mr. Blake intimated to us his readiness to restore them to the proper custody.

The town clerk had formerly a yearly salary of £20 from the corporation. His present emoluments arise, in part, from fees in the civil court, and some corporate matters, and the

fees of the office of clerk of the peace; the fees from these sources amount, in all, to about £50 per annum, of which those of the clerk of the peace form about £40.

The town clerk, as clerk of the peace, also receives a sum of £100 per annum, of the late Irish currency, by presentment of the grand jury of the county of the town.

The fees as town clerk and clerk of the peace are received by the deputy as his remuneration.

Coroner.

53. The duties of the Coroner do not differ from those of such officers in counties at large. The present coroner now receives £30 a-year by presentment from the grand jury of the county of the town, by agreement, in lieu of fees, which, in some years amounted to considerably more than this sum, in others, to less.

The late coroner was not a professional man. The present coroner, who was first elected in 1828, is apprenticed to his father, who is an attorney, and he intends to follow that profession.

Swordbearer.

54. The Swordbearer attends on and assists the mayor in the inspection of the markets, and on state occasions. He had formerly a salary of £7 per annum from the corporation, and some trifling emoluments from striking the assize of bread.

Serjeants at Mace.

55. The Serjeants at Mace execute the civil process of the Tholsel Court. They formerly acted also as constables. They had yearly salaries of £4 15*s.* 4*d.* each from the corporation. Their present emoluments are from fees on the process of the civil court, which, from the decrease of business in that court, are now very trifling.

Macebearer.

56. The Macebearer, whose duty is indicated by his name, was formerly paid a salary of £5 per annum from the corporate funds.

Water Bailiff.

57. The Water Bailiff executes the civil process of the Tholsel Court on board vessels in the harbour. This officer does not appear to have any other duties to perform.

Dues claimed by him.

He claims certain Dues from the owners of vessels and boats frequenting the port. These the present water bailiff demised to a tenant, by whom they were underlet. The fees on vessels were 1*s.* for each mast, and on boats they amounted to 4*d.* or 5*d.* every trip, and, as might have been expected, are stated to have been productive of constant disputes. The collection of them has for the present been suspended by a late arrangement between the commissioners of the harbour and the lessee, who has demised them to the secretary of that body, at the rate of £35 per annum. This arrangement was made in order that the dues should not be collected. Under the Harbour Act, each boat is also liable to an annual charge of 5*s.* The arrangement will, of course, expire with the life of the present water bailiff.

The origin of these dues does not appear; but the office is mentioned in the older records of the corporation, and the dues were frequently made a source of corporate revenue by demise of the office of water bailiff, at an annual rent. Other dues were at times claimed by this officer, but disputed, and not enforced.

Chamberlain.

58. The office of Chamberlain has been already noticed in the account of the functions of the mayor.

Weighmaster.

59. The duties of the Weighmaster are those prescribed by the statutes respecting that office in general. The cranage is let by the present weighmaster for £60 per annum. The charges for weighing considerably exceed those given by the Irish statute, 4 Anne, c. 15; and a charge is made for weighing potatoes, notwithstanding the provision to the contrary contained in the 25 George II. c. 15. s. 12. The duties of this office in respect to butter under the Butter Acts are very trifling, the trade in that article being inconsiderable.

Pilot.

60. The duties of the Pilot are to conduct vessels between the town and the roadstead, and as far as the Isles of Arran, if required. The charges are stated to be moderate; they were returned to us as producing to the present pilot, after deducting all expenses, not more than £108 per annum. He employs several assistants, and no complaints appear to have been made of the duties not having been efficiently performed since his appointment; but it has been suggested that the appointment of a second pilot responsible to the public would be better than the present arrangement, as inducing by competition a more vigilant look-out for vessels approaching the port.

Privileges of the Freemen.

61. The Freemen have not any Privileges save those which they are entitled to exercise at the meetings in tholsel, already noticed, and as participating with the rest of the constituency in the elective franchise. They are not, nor are the burgesses, exempt from the tolls and duties levied by the corporation.

The charter of Henry VIII. exempted the mayor, bailiffs, burgesses, and commonalty from toll and other customs and usages throughout all his kingdom and power. We have not found any claim made under this exemption.

Tholsel Meetings.

The privileges of the freemen in their Meetings in Tholsel appear to be of considerable importance, but subject to the power of the common council, as all measures must originate with that body. The charter of Charles II. unites the freemen with the mayor, recorder, and free burgesses in the clause empowering the enactment of bye-laws. An order of council passed shortly after the date of that charter (26th January 1679) states that the concerns of the corporation were formerly acted by tholsel.

The number of resident freemen, previously to the Reform Bill, having been very limited, may be considered as having tended to reduce the meetings in tholsel to a mere form. No occasion has since occurred calling for the exercise of their privileges by the numerous body of freemen recently admitted.

Criminal Jurisdiction.

62. The corporation have an exclusive Criminal Jurisdiction. All offences committed

within the limits of the borough are tried before the corporate magistrates at petty and quarter sessions, or before the mayor and judges at the assizes held for the county of the town.

Borough Quarter Sessions.

63. The Borough Quarter Sessions are held four times in each year. The mayor and recorder, and in their absence their respective deputies, sit there as justices by the charter. There are nine other magistrates, appointed by the Lord Chancellor; four, under the Galway Act, 4 Geo. I. c. 15; and five, under the 7 Geo. IV. c. 61. A deputy lieutenant of the county of the town has been appointed under the Act creating those officers; he is a free burgess. Two only of the magistrates so appointed are free burgesses, so that the majority of the court does not at present consist of members of the corporation. The assistant barrister of the county of Galway is not a member of this court; but the civil bill jurisdiction for the county of the town is vested in him, under the Irish statute 36 Geo. III. c. 25. s. 56.

Grand and Petty Juries.

The Grand and Petty Juries, at assizes and quarter sessions, are empannelled and returned by the corporation sheriffs. It is not necessary that they should be composed, even in part, of free burgesses or freemen. Some of the burgesses attend on the grand jury at assizes, but rarely at quarter sessions. The presentments for payment of the officers of the grand jury, the support of the gaol, and other purposes, are made by the assize grand jury.

By the first section of the Galway Act, 4 Geo. I. c. 15, the sheriffs of the county of the town are empowered to summon on grand and petty juries, Protestant forty-shilling freeholders from the county at large, a power not latterly exercised.

Costs of Indictments, &c.

The Costs of Indictments and Expenses of Witnesses are defrayed by presentment, as in counties at large, under the various Acts relating to grand juries.

The grand jury at the assizes also present for the laying out and repair of roads and other public works within the county of the town.

Officers presented for by the Grand Jury.

64. The Officers for whom Presentments are made, and the yearly sums presented, are as follows, in the currency of the United Kingdom:

	£.	s.	d.
Treasurer	92	6	2
Clerk of the Crown	73	16	11
Clerk of the Peace	92	6	2
Secretary to Grand Jury	36	18	6
Local Inspector to the Gaol	36	18	6
Protestant Chaplain to Ditto	27	13	10
Roman Catholic Ditto	27	13	10
Surgeon to Gaol	55	7	8
Governor of Ditto	138	9	2
Sheriffs	23	1	6
Crier	9	4	6
Bellman	3	13	8
Interpreter	9	4	6
High Constable	20	0	0
Collector of Public Cess	188	3	0
Turnkeys	38	6	5
Judge's Crier	4	12	3
Conservator of the Quay and Fish Market	5	10	0
Coroner	30	0	0

Tholsel Court.

65. The civil court of the borough is called the Tholsel Court, and is a Court of Record. The mayor and recorder, and, in their absence, their respective deputies, are the judges; but, in practice, the court is held before the recorder or his deputy.

Its Jurisdiction.

The court holds cognizance of all debts, to any amount, arising within the limits of the county of the town.

Process.

The mesne Process is by caption of the person, or attachment of the goods of the defendant. A previous summons is supposed to be served, but never is, in fact; the appearance of the party on the arrest or attachment being held to cure the defect. The plaintiff may at his election adopt either process against the person or goods, on an affidavit of the debt and that it arose within the jurisdiction of the court; except that, to obtain the former, since the statute 10 Geo. IV. c. 35, the debt sworn to must be at least £20.

Freemen and free burgesses have not any privileges as plaintiffs or defendants.

On the entry of an appearance by the defendant's attorney, and bail being given in double the sum sworn to, to abide the event of the suit, the person or goods are released.

Attachments are issued for debts under £10; but not for demands under 40s.

The process of foreign attachment is occasionally resorted to.

Juries.

The Juries are summoned, and final process executed, by the sheriffs; but the mesne process of arrest or attachment is executed by the serjeants at mace.

Court Days.

The Court Days are Tuesday and Friday, in every week; but in practice the court only sits when any records are ready for trial by jury. Other business, arising by way of motion, is generally done by the recorder, at his own house, which is about half a mile from the town. In the ordinary course of the court, a cause may take two months from the first process to final judgment. The costs are taxed by the recorder. Barristers occasionally attend the court, and the pleadings, which correspond with those of the superior courts, are sometimes signed by counsel, for which a fee is allowed against the opposite party, except on the plea of the general issue; but, according to the practice of the court, the signature of an attorney to pleading is sufficient.

Attorneys.

The Attorneys who practise in the court must be admitted there. It is necessary that

they should either be attorneys of one of the superior courts, or have served an apprenticeship to an admitted attorney of this court. The amount of stamp duty (£20) tends to limit the number of practitioners, particularly as the business of the court has, of late years, much declined. There are now only three attorneys who have been admitted.

Number of Causes.

In the three years preceding September 1833, the Number of Causes commenced by arrest or attachment was 233, of which only seven were brought to trial. Causes may be, and frequently are, removed to a superior court by *certiorari* or *habeas corpus*. This practice is resorted to chiefly for purposes of delay, as the causes are generally brought back, on the party failing to give bail in the superior court. The existence and frequent abuse of this power of removal, have tended very much to diminish the business of the Tholsel Court.

Delays.

Costs.

The Costs are considerable, especially for small debts, which, in consequence, are seldom sued for in this court, if within the civil bill jurisdiction; but parties sometimes proceed for such debts in the Tholsel Court, as its sittings are more frequent than those of the assistant barrister, and as they have the advantage of obtaining some security by the process of attachment, and have also the benefit in every case of a trial by jury.

A bill of the plaintiff's costs of a cause tried in 1830, taxed between party and party, and which was stated to us to contain the ordinary charges of a suit, amounted to £17 15*s.* 11*d.*, including a fee of a guinea to counsel for signing the declaration, a brief and fee of two guineas to counsel on the trial, and the costs of execution and taxation. The fees to the recorder amounted to £1 14*s.* 9*d.*; those to the town clerk, to £1 5*s.*; to the sheriff, 6*s.* 8*d.*; jury, £1; court keeper, 1*s.* 1*d.*; and crier, 2*s.* 2*d.* The costs prior to service of notice of trial, were £5 18*s.* 9*d.*; those from service of notice of trial to the verdict of the jury being recorded, £9 10*s.*; from that stage to the allowance of final judgment, 16*s.* 3*d.*; the costs of execution, 13*s.* 2*d.*; and of taxation, 17*s.* 8*d.* These sums are stated in the late Irish currency, in which the bill of costs is made out. The debt recovered was £26 11*s.* 8*d.*

No Court for Small Debts.

66. There is no Court of Conscience or other civil court, save the Court of the Assistant Barrister, for small debts; but claims for wages are decided at petty sessions under the statutes giving to magistrates jurisdiction in such cases. It seems to be desired, from the expense of the Tholsel Court, and the long period which elapses between the sittings of the assistant barrister, that the recorder should be empowered to exercise a civil bill jurisdiction for the town and county of the town, in addition to that of the Court of Record.

Petty Sessions.

67. Petty Sessions are held in Galway on two days in each week, by the mayor and some of the other justices of the peace of the county of the town, two or three of whom attend. The number of cases which come before the petty sessions is very considerable. The clerk is remunerated by fees corresponding with those prescribed by the Petty Sessions Act, and keeps a regular record of the proceedings. His income from the fees is from £60 to £70 per annum.

Police.

68. There is not any Police establishment provided for the town or county of the town of Galway, by the corporation or other local authorities. The duties of police are performed by a portion of the general constabulary force of Ireland, consisting, at present, of a chief constable, four constables, and twelve sub-constables, who act under the mayor and other magistrates of the county of the town. Previous to their being stationed in Galway, some constables were employed by the magistrates, and a sum of £80 was presented for them by the grand jury at each assizes. The presentment for a moiety of the expense of the present constabulary force at the spring assizes of 1833 was £165 19*s.* 3*d.* The number of police is stated to be too small for the duty, and the establishment of a nightly watch is particularly called for.

Streets and Roads.

69. The town is not lighted, although the corporation was empowered to have it lighted under the 3 Geo. II. c. 13. s. 9 (Ireland.). The introduction of the provisions of the General Paving and Lighting Act, 9 Geo. IV. c. 82, has been opposed, partly from the expectation that the tolls will ultimately be made available to such objects. The Roads in the county of the town are laid out and repaired by presentment of the grand jury. The Streets of the town have been lately put in a state of repair by a grant of £1,000 from the produce of the tolls by the Court of Chancery, with the consent of the parties to the information hereafter noticed, and a further sum of £1,000 has been in the same way provided for making a sewer along the intended new docks and quays. The final decision of the information, now before the House of Lords on appeal, will, it is expected, determine how far these funds may in future be available for the benefit of the town. A sum of from £250 to £300 per annum was stated to us as probably sufficient to keep the streets in good repair for the future.

Presentments, how levied and applotted.

70. The sums presented by the grand jury are levied on the town and county of the town; they are applotted by a jury of twelve on the houses in the town and lands in the county of the town, on an estimate of their annual value. This mode of proceeding is not in conformity with the provisions of the statute 33 Geo. II. c. 7. The jury is selected, after every spring assizes, by two of the magistrates, and the town clerk, by order of the grand jury. They are sworn, and sometimes, but not generally, or sufficiently often, view the premises to be assessed. The owners may attend at the applotment and complain to the jury, if dissatisfied, and their complaints are investigated; but there is no appeal from the valuation, which, however, is only conclusive for the current year. The jury are stated to be selected from the most respectable and best informed persons, and many of them are generally members of the grand jury. Dissatisfaction is frequently expressed at the valuations made by them, as being too high; these complaints are more generally from the inhabitants of the town. Half the sums presented are applotted on the town, and half on the rest of the county of the town, a

proportion which the treasurer states to be not a fair one; and he suggests that the contribution from the town should be reduced to one-third. The amount of waste and insolvent tenements has been on the increase; they are all in the town. The sums so returned as applotted on such tenements are re-presented by the grand jury and re-applotted.

Amount of the Presentments.

71. The Presentments have of late years considerably increased; they are about £2000 at each assizes, and at the spring assizes of 1833 the sums presented were £2490. Of these, the sums presented for roads were £429 8*s.* 3*d.*; sums to repay instalments of monies advanced by Government for public works, £338 12*s.* 11½*d.*; to Government for cholera expenses, £355 11*s.* 1½*d.*; constabulary, £165 19*s.* 3*d.*; expenses of the gaol, including salaries, £302 17*s.* 1*d.* The residue was for the other salaries of officers already mentioned, and other public purposes.

Weight of the Grand Jury Cess on the Town.

72. The Grand Jury Cess appears to bear heavily on the Town, from the decay of buildings and poverty of the inhabitants, while in the rural portion of the county of the town it is stated to be less than formerly; but it amounts there annually to the very heavy assessment of from 8*s.* to 10*s.* per acre.

Fisheries.

73. We are not apprized of any other circumstances calling for an extension of jurisdiction in the courts or magistracy of the town and county of the town. There is one subject peculiarly demanding effective regulation, and which has been frequently complained of, and was stated to us to be productive of serious injury to the prosperity of the town and comfort of the inhabitants; this is, the conduct of the fishermen. They are a numerous body, and chiefly inhabit a populous suburb called the Claddah. Partly from superstition and ancient customs, and partly from mistaken policy to enhance the market, they only go out at certain times, and exercise a perfectly uncontrolled power of preventing by violence other persons from fishing in the bay. An attempt was made some years since to protect those who attempted to fish there against the regulations of the Claddah fishermen, by having a gun-brig stationed in the roads, and while this vessel remained, the object was effected; but since her departure all attempts to interfere with them have been abandoned, and the Fisheries, which are reported to be most valuable and extensive, are, in consequence, comparatively unproductive. The fishermen are not under any peculiar control of the mayor, as admiral of the port, though they nominally acknowledge his authority.

Gaol.

74. The Gaol of the town and county of the town is under the superintendence of a local inspector and a board of superintendence, appointed by the grand jury. The mayor and other magistrates of the borough are members of this board, which does not meet regularly. A large addition to the gaol was in progress at the time of our visit, which, it is expected, will afford the means of introducing a very complete classification of the prisoners, hitherto defective from want of room. Prisoners for trial, and those under sentence for offences committed in the county of the town, and persons arrested under process of the Tholsel Court, and by the sheriffs of the county of the town under process of the superior court, are confined in it. Goods taken on attachments from the Tholsel Court were, until lately, lodged in the gaol, for which a fee of 6*s.* 8*d.* was paid to the gaoler. He has latterly refused to take charge of them.

Number of Prisoners.

75. The Number of Prisoners at the time of our visit in September 1833, was—female criminals, 15; male, 12; debtors, 5. During the last five years, 484 debtors were committed to the prison, of whom 348 were for debts under £10.

Proposed Consolidation of it with the County Gaol.

76. It immediately adjoins the County Gaol, and the Consolidation of both has been suggested as likely to diminish the expense to the county of the town, by the reduction of officers. The proposition does not appear to have been entertained at any time by the grand juries. The entire expenditure of the gaol, for the year 1832, was £641 5*s.* 5*d.*

Gaoler.

77. The Gaoler is appointed by the sheriffs of the county of the town, and, where his conduct is approved of, as in the instance of the present gaoler, the same individual is generally continued by succeeding sheriffs. A resolution of the grand jury, at the summer assizes of 1828, states that waste of the public money and abuses had been practised in the prison, and that the conduct of the gaoler was highly reprehensible, and they recommended the sheriff to take such measures as he should think proper under the circumstances. The gaoler was dismissed, and the present officer appointed. It was communicated to us that the gaoler dismissed on that occasion had paid a sum of money for the situation to the sheriffs, by whom he had been appointed; but on inquiry, the sum, which was £130, appears to have been given to the widow of the former gaoler, who had died in the office. The widow had for some time had the duties of the office performed by her son-in-law, and it was generally understood, that whoever should be appointed to the gaol, should make her some compensation. The present gaoler has stated to us that he did not give any consideration for the office.

Patronage. Royal College of Galway.

78. The Corporation has the Patronage of a singular ecclesiastical body, called "The Royal College of Galway." The church of St. Nicholas Galway, which is the head or parent church of the foundation, is of great antiquity, and had an establishment of a warden and vicars, from a very early period; but the present institution dates from a charter of King Edward VI., in the fifth year of his reign, granted on the petition of the mayor, bailiffs, burgesses, and commonalty. By this charter, a warden and eight vicars choral are appointed, and the college is incorporated by the name of "The Royal College of Galway." A power is given to the warden and vicars to have a common seal and make bye-laws. The mayor, bailiffs, burgesses, and commonalty are empowered annually to elect a warden, and they are invested with very full powers of removing and regulating the warden and vicars, and supplying vacancies among the latter, and portioning at their discretion the collegiate funds for salaries to the warden and vicars.

79. This college constitutes a peculiar ecclesiastical Jurisdiction, not subject to episcopal control. It comprises eight Parishes, namely, the rectory of St. Nicholas Galway, and the vicarages of Moycullen, Kilcummin, Ballinacourty, Oranmore, Clare, Galway, Shrule, and Rahoon. In St. Nicholas the college owns the entire of the Tithes; in six of the other parishes, three-fourths; the remaining fourth belonging to the Archbishop of Tuam; and in the eighth the college has only one-fourth of the tithes, half of them being in the hands of a lay impropriator, and a fourth belonging to the archbishop. These tithes amount to £1,157 per annum, besides which the college has a small annual income of £18 from three glebes and two houses, in the town, which are let on leases for 41 years. Its possessions were formerly more considerable.

A peculiar Jurisdiction. Parishes comprised in it. Tithes.

80. The Warden is annually elected by the common council of the corporation, and afterwards approved of at the meeting of the freemen in tholsel; but, by the Emancipation Act, 10 Geo. IV. c. 7. s. 15, none of the members of the council or freemen can vote on such election save those who are Protestants. It seems understood that the warden must be elected from the vicars. In practice, the same individual has been successively re-elected for the last 23 years. By the charter of Charles II. and the "New Rules," the warden should be approved of or nominated by the lord lieutenant, and an instance of such nomination occurs in the corporation books, shortly after the date of that charter; but we have not found that this sanction has been sought of late years. The warden receives all the income of the college, out of which he pays £75 per annum to each of the vicars, of whom, at present, there are only four, and for a long time there were not more than two. The Vicars are also elected by the Protestant members of the common council, and approved of in tholsel; they are elected for life, and are inducted by the warden. The salaries of the vicars appear to have been formerly regulated by the corporation under the power contained in the charter of Edward VI; but, except in the election of the warden and vicars, the corporation has not for many years interfered in the arrangements of the college.

Warden and Vicars how elected, &c.

81. The warden and vicars consider themselves bound to attend to ecclesiastical Duties in the parishes comprised within the college; they have not any peculiar functions as connected with the corporation. There is but one Protestant church attended by them, that of St. Nicholas Galway, which is in the town. There is not a church in the other parishes, save in that of Kilcummin, which is attended by the rector of that parish, to whom the Archbishop of Tuam has given his fourth part of the tithes of that parish, under the 5th section of the Irish statute, 4 Geo. I. c. 14. Prior to the late abolition of vestry cess, the payment of the inferior officers and repairs of the church of St. Nicholas was made by vestry assessments on the inhabitants and householders of Galway and the out-parishes. The sums varied from £466 to £170 in the last five years.

Their Duties.

82. The Extent of the several Parishes has been returned to us as follows:

Extent of the Parishes.

	Length.	Breadth.	Population in 1831.
St. Nicholas	2 miles	2 miles	16,392
Moycullen	6 —	4 —	5,695
Kilcummin	17 —	11 —	9,848
Ballinacourty	4 —	5 —	3,250
Oranmore	5 —	3 —	6,993
Clare Galway	4 —	3 —	3,588
Shrule (county Mayo)	4 —	3 —	3,660
Rahoon	6½ —	3½ —	15,485

It was stated that Moycullen and Clare Galway do not contain a single resident Protestant family; that Oranmore only contains two; Shrule the same number; and Ballinacourty but one. It may, therefore, not be found necessary by the corporation to keep up the number of vicars to the extent specified in the charter of the college.

83. The corporation has not now any other Patronage, save the appointment of the officers already noticed in this Report. The charter of Elizabeth enables them to appoint to certain offices connected with the customs, but they have long ceased to exercise any such power.

Other Patronage.

84. The corporation do not support or interfere in any institution for the relief of the Poor. The funds lately granted by the Court of Chancery for the repair of the streets, were disbursed through a public voluntary association for the suppression of mendicity by employing the mendicants to perform the works. This institution is called a house of industry, and though not, strictly speaking, established under the Irish statute 11 and 12 Geo. III. c. 30, the grand jury makes an annual presentment of £184 12*s.* 3*d.* in aid of its funds. The first presentment was, in 1828, of £100.

Poor.

85. There is not any public School in connexion with the corporation. The Board of Erasmus Smith's Schools has large estates, and an endowed school in Galway; but it is apparently not open to free scholars. There are, however, two free schools, the master and mistress of which are paid by that board; but they are not required to educate gratis more than the limited number of 20 male and 20 female scholars. There are other free schools supported by private subscription, or connected with particular religious establishments. They are stated to be insufficient for the wants of the population.

Schools.

86. The Revenues of the Corporation have for the last 60 years been solely derived from tolls. The amount of income from this source, from the year 1805 to 1827, has been very variable, as appears by the Return made by the mayor, and ordered by the House of Commons to be printed, on the 21st August 1833. Since the year 1827, the tolls have been collected under the Court of Chancery, and are at present let under that court for £1,260 per annum,

Revenues of the Corporation.

on a lease for three years. The expenses of collection are stated to be about £100. The last letting by the corporation was for £900, in 1827.

Tolls.

87. The Tolls collected from 1762 to 1827, consisted of thorough tolls, called ingate and outgate customs. These were all let together annually by the corporation by public auction, at the meetings in tholsel; and a part of the rent, generally 20 guineas, was entered as payable for the Charter Duties, hereafter noticed, although those duties were not, in fact, collected, the letting of them being merely nominal, to preserve evidence of the right of the corporation.

Charter Duties.

Schedule of Tolls.

88. The Tolls so collected are those specified in a Schedule printed in the Journals of the Irish House of Commons, under date of 13th April 1762, and approved of and confirmed by a resolution of that House on the same day. Under the Charters of Richard II. and Elizabeth, the corporation were entitled to tolls, as well on goods coming or going landward as on goods imported or exported by sea. The latter were called the charter duties, and appear formerly to have been a source of considerable revenue. They were, however, for many years, a subject of dispute between the merchants and the corporation; some arangement appears to have been made so early as the year 1684, to settle the controversy, but the Charter Duties were again contested in 1759, and finally in 1762 an agreement was entered into between the merchants and the corporation, by which the tolls, specified in the schedule alluded to, were given "in lieu for and so long as no charter duties should be demanded by the corporation on goods imported into the town or exported from it." The tolls given by the schedule are higher than those mentioned in the charters, but it contains exemptions of goods imported and exported, (except fish going into the country,) provisions for private use of residents in the town, turf, milk, eggs, poultry, fresh butter, hay and straw, and of timber for ships or boats. This arrangement was not legalized by Act of Parliament; it does not, however, appear to have been departed from while the tolls remained in the hands of the corporation. It was, in fact, obviously beneficial to the merchants of the town, at the expense of the farmers and others frequenting the markets with produce from the country. Since the tolls have been let under the Court of Chancery, the schedule has been restored to that contained in the charters, and the tolls are now collected accordingly, the leases under the court following the charter in the specification of the tolls demised. The lessee considers himself, in consequence, entitled to resume the collection of the charter duties, and being resisted in the attempt, he has commenced some proceedings to enforce their payment.

Charters granting them.

Contests about the Charter Duties.

Revived.

Conditions of the Charters as to the Application of the Tolls.

89. The express Conditions contained in the Charters for the Application of the Tolls and Duties in and towards the walling and paving of the town, have been already stated. The walls have long since fallen into decay, and few traces of them now remain. The streets appear to have been, from time to time, partially repaired out of the corporate revenues; but by far the greater part of the income from the tolls and duties was expended in the payment of corporate officers, or as already noticed, retained by the mayor for his own use, without rendering any account to the corporation. The application of these funds to corporate purposes was the subject of complaint to the Irish House of Commons in the year 1762, and one of the resolutions of a Committee of that House recognised the conditions of the charters as to the application of the monies arising from the duties, but nothing was done to enforce their future due application accordingly. Another resolution rather approved of their being employed in the payment of the corporate officers. At length, in the year 1818, an Information was filed by the attorney general, at the relation of two freemen, on behalf of themselves and the rest of the freemen, citizens, and inhabitants of Galway, against the corporation, and against James Daly, Esq., and the Right Honourable Denis Bowes Daly, who were thereby charged to have received the money arising from the tolls and customs. It prayed that the defendants might be compelled to put the streets into safe and sufficient repair out of the produce of the tolls and customs received by them, and that the tolls and customs might be applied under the direction of the court to the proper purpose. The defendants, by their answer, chiefly relied on the agreement of 1762, as having been entered into by the corporation, in consideration that the inhabitants would continue to pave the streets at their private expense, and leave the repairing the walls to occasional aid from Government. The cause was heard on the 29th June 1824, and reheard on the 18th November 1824. It was again heard on the Master's report on the 1st December 1826, and reheard on 1st November 1828. By the final Decree made, on the last rehearing, by Sir Anthony Hart, it was declared that the tolls and duties were vested in the corporation for the purpose of paving the streets and supporting the walls of the town, according to the terms of the charter of Richard II., and that the application thereof in payment of the officers of the corporation was a misapplication, and a breach of trust; certain inquiries were directed, and a receiver was appointed.* The tolls have since been let, under the court. The demises follow literally the words of the charter of Richard II. in the specification of the articles. They are described as "goods to be sold," the original is "*venalibus*." The leases do not mention fair or market tolls. The lessee considers himself entitled to the toll on the same article both coming in and going out, if it has changed hands. The corporation has appealed from the decree to the House of Lords, and the Appeal is still pending. No declaration was made by the decree, as to the proper application of any surplus of the tolls in case they should be found more than sufficient for the pavage of the streets, which seems probable.

Information to enforce their Observance.

Decree thereon.

Appeal.

Tolls and Duties forfeited in 1641, and restored.

90. These Tolls and Duties were mortgaged by the corporation previous to the rebellion of 1641, and were forfeited to the Crown in that rebellion by the mortgagees. The mort-

* Attorney General *v.* The Corporation of Galway.—1 "Beatty's Reports," 298.

gages were granted by King Charles II., in the twenty-fifth year of his reign, to Elizabeth Hamilton, by whom they were afterwards assigned to Colonel Theodore Russell, for a sum paid by him at the desire of the corporation. The charter of Charles II. saved the rights of Elizabeth Hamilton and Colonel Russell to the tolls and duties, and prohibited the corporation from levying them until the latter was repaid the sum of £2,500, and other sums, and after satisfaction thereof, they were to remain to the corporation "to such uses whereunto they were by any former charter granted or designed." The debt to Colonel Russell has been long since discharged, but it led to considerable litigation between the corporation and his representatives, the details of which will be found in the fourth volume of "Brown's Parliamentary Cases," p. 523,—the case of the Town of Galway, appellants, *v.* Henry Russell, respondent.

The Schedules require Revision.

91. The collection of the tolls is not now generally complained of, but the Schedule which follows the charter of Richard II. and Elizabeth, is stated to require Revision as to the articles of tallow and iron, and some obsolete words denoting quantities. The revival of the charter duties is complained of and resisted. The tolls agreed on by the schedule of 1762, considerably exceeded those specified in the charters for the same articles, the increase being probably given to the corporation in consideration of their relinquishing the charter duties, which, it is obvious, they had no power to do, if it shall be determined by the affirmance of Sir Anthony Hart's decree, that they were merely trustees of the tolls and duties for the purposes specified in the charters.

Fairs and Markets.

92. The following grant appears on record of Markets and Fairs to the corporation, 10th June 1730: (Rot. Pat. 4 Geo. II. p. 2. m. 34. d.:) an additional weekly market on Monday, and on the four Fridays before Christmas day, and a fair on the 20th May, 10th September, and 10th October on the square plot next the east gate.

Landed Estate, and how lost.

93. The corporation have not now any landed Estate. They were formerly owners of considerable lands and tenements in and about the town. These, until about the commencement of the last century, were let for terms of years, generally 31, but in several instances 99 years. Many leases for the latter term were granted in the year 1686, but by a subsequent order, in the same year, it was declared, that no lease should be made for more than one year. This order, however, does not appear to have been acted on, except as to the tolls and duties. In 1696, some leases were made for lives, renewable for ever, at small rents and fines, and the leases made after that period were for the same improvident tenure. The leases appear, in numerous instances, to have been made to members of the common council, some to the mayor of the day, others to aldermen and free burgesses, and at rents, which it is difficult to conceive were, even at that time, nearly adequate to the value of the extensive tracts demised. By the mayor's account, returned for five years prior to 1680, the town lands are stated to have produced, in that period, £274. The account for a year, ending 29th September 1692, returns the corporate revenues from the markets, £127; charter duties, £181; and town lands, £25. The properties thus demised are supposed to be now of very considerable annual value from modern improvements and expenditure. The corporation, long prior to the year 1759, had mortgaged their estates, and in that year they granted a new mortgage of all their lands, tenements, hereditaments, and revenues, for a sum of £900 advanced to pay off the former debt. Their landed estates were, in some years afterwards, sold under a decree in a suit instituted to foreclose the mortgage, and they have not since had any revenues save those derived from the tolls and customs.

Taxes and Quarterage.

94. The corporation appears formerly to have levied Taxes on the freemen, and the impost called Quarterage, on persons keeping shop, and retailing in the town, not being free. These payments have been long discontinued.

Charitable Funds.

95. Some time previous to the year 1754, a sum of £150 was paid by Jane Eyre, widow, to the corporation, in consideration of their paying £12 a year, for ever, for the use of the Protestant poor of the parish of St. Nicholas, and, in that year, a further sum of £150 was paid to them by the same person on the same consideration. Deeds were executed by the corporation to this effect, and while the tolls and customs were in their hands, the sum of £24 was annually applied by the mayor to those charitable uses, through the warden of the college. This payment has ceased since the tolls were let under the Court of Chancery, and should the final decree made on the information be affirmed, this payment cannot be expected to be continued, as it would be a misapplication of the revenues arising from the tolls, and there are not now any other corporate funds from which it could be claimed.

Expenditure.

96. The annual Expenditure of the corporation, prior to their being deprived of the tolls, appears to have amounted to about £271, including the payment of the above-mentioned sum of £24. This was disbursed by the mayor, and does not include any salary to him, as he, in fact, retained the whole surplus of the revenues to his own use. The items were returned to us as follows:

Recorder	£40
Sheriffs	30
Town clerk	20
Four serjeants	24
Bellman	6
Swordbearer	6
Macebearer	6
Eyre's charity	24
Five dresses for serjeants and bellman	15
Mendicity	100

Toll Cause. Costs of.

97. It does not appear from the corporation books out of what funds, or by whom, the

expenses of the defence to the information are defrayed. The Costs of the relators are, by the decree, charged on the produce of the tolls and customs.

Ballast Office.

98. By the Irish statute 3 Geo. II. c. 21, the corporations of Cork, Galway, Sligo, Drogheda, and Belfast were severally empowered to erect Ballast Offices in the respective cities and towns, to be under their government, inspection, and direction; and they were appointed keepers and conservators of the several rivers and ports of those cities and towns, with powers to make such bye-laws, for the well government of the said several offices, and for the cleansing of the harbours and channels, and securing all ships that should come into the ports, as should from time to time be approved, ratified, and confirmed by the Lord Lieutenant or other chief governor of Ireland, and six or more of the Privy Council.

The Act imposes on those corporations various duties, and confers on them extensive powers for carrying its objects into effect.

We have not found that this statute has been acted on in Galway.

Harbour Commissioners.

99. The care and improvement of the Harbour have been recently placed in charge of a body of Commissioners under a local Act, 11 Geo. IV. and 1 Will. IV. c. 122, (loc. and pers.) amended by the 1, 2 Will. IV. c. 54 (loc. and pers.)

The former of these Acts recites that the docks and quays were contracted and dilapidated, and the chief object of the Act is to provide for the erection of the new docks and quays, and the connexion of Lough Corrib with the bay by a canal.

A number of commissioners are appointed by this Act, several of whom are members of the common council, but no member of the corporation is made *ex officio* a commissioner. Those to be hereafter elected commissioners are required to possess a freehold qualification of £100 a-year, or personalty to £3,000, or to be heir apparent to a person of £200 a-year.

The mayor, or one justice of the peace of the county of the town is empowered to decide summarily on complaints against the officers of the commissioners for not accounting, &c. and the commissioner's warrants to empannel juries for the valuation of property are to be directed to the sheriffs of the county of the town.

The commissioners may appoint a harbour master, but this is "not to interfere with or control the rights, privileges, or jurisdictions of the mayor of Galway as admiral of the bay of Galway."

They are empowered to levy certain rates and duties on vessels and boats entering the docks and harbour, and on goods exported and imported, of which schedules are annexed to the Acts.

The 1, 2 Will. IV. c. 54, amends the former Act by enabling the grand juries of the counties of Galway and Mayo, and of the county of the town of Galway to present monies for the works, and empowers the commissioners to raise money by shares.

The dues given by these Acts have been let by auction for £1,270 per annum, and the commissioners have borrowed the sum of £17,000 on the security of them from the commissioners of public works, Ireland. The projected improvements were in progress during our visit.

State and Prospects of the Town.

100. There has been a considerable improvement in the trade and commerce of the Town, though it is stated to have rather declined again during the last three years. The increasing produce of the tolls indicates an increase of internal traffic, and the annexed Return shows the receipts of custom in the port, and the number and tonnage of the vessels entered inwards and cleared outwards in each of the last 10 years. Considerable commercial advantages are anticipated to arise from the construction of the new docks and quays by the commissioners of the harbour, and the resolutions of the grand jury passed at spring assizes, 1833, point to other works of public utility, and in the improvement of the inland navigation, as deserving encouragement.

We have already alluded to the state of the fisheries and the advantages likely to result from an effective check being given to the lawless proceedings of those principally engaged in them.

Statistical Details. Population.

101. The parish of St. Nicholas, in which the town is chiefly situate, contained, in 1831,

Houses inhabited	1,996
„ building	21
„ uninhabited	47
Families chiefly employed in trade, manufactures, and handicraft	1,045
„ „ in agriculture	425
„ not comprised in the preceding classes	1,666
Persons: males, 7,492; females, 8,900	16,392
„ employed in retail trade, or handicraft	1,274
Capitalists, bankers, professional and other educated men	336

The parts of the parish of Oranmore, and Rahoon, included in the county of the town of Galway, contained,

Houses inhabited	2,610
„ building	25
„ uninhabited	45
Families chiefly employed in agriculture	2,217
„ „ in trade, &c.	262
„ not comprised in the two preceding classes	643
Persons: males, 7,995; females, 8,733	16,728
„ employed in retail trade, or handicraft	289
Capitalists, bankers, professional and other educated men	141

Trade.

The population of the town and county of the town thus appears to have amounted in that year to 33,120.

By the enumeration of 1812, it was - 24,684
And that of 1821 - - - - 27,775

AMOUNT of CUSTOM RECEIPTS at the Port of GALWAY, and NUMBER and TONNAGE of VESSELS entered Inwards, and cleared Outwards, in each of the Ten Years ended the 5th January 1833.

Year ended 5th January.	Amount of Receipts.			Vessels.			
				Inwards.		Outwards.	
				No.	Tonnage.	No.	Tonnage.
	£.	s.	d.				
1824	13,951	8	2	73	6,856	127	11,932
1825	17,308	2	5	156	13,169	150	11,536
1826	23,324	9	5	157	12,866	156	13,297
1827	29,913	7	8	140	12,992	140	10,132
1828	35,784	10	0	132	12,451	133	11,346
1829	40,109	18	6	129	14,241	153	14,562
1830	48,564	6	4	148	13,830	150	12,861
1831	36,260	8	3	132	14,006	107	10,936
1832	35,183	1	4	110	9,991	136	13,297
1833	27,755	4	8	112	11,577	136	14,398

The present condition of this corporation, and the consequences of its exclusive character, have been noticed in the course of this Report; and, looking to the population and commercial prospects of the town, it is strongly to be desired that the municipal body should be so reformed, or remodelled, as to become identified in interest with the great body of the inhabitants, and entitled to their confidence.

102. The following Acts and sections of Acts relate to this town:

Local Acts.

4 Geo. I. c. 15. (Ireland) commonly called "The Galway Act." See the Report, p. 295.
3 Geo. II. c. 13. s. 9. (Ireland) for lighting Waterford and Galway.
3 Geo. II. c. 21. (Ireland) Ballast Office Act.
11 Geo. III. c. 4. (Ireland) grant of £500 to repair the market quay.
23, 24 Geo. III. c. 1. s. 31. (Ireland) grant of £1,000 to be expended in rendering the harbour more safe and commodious, and for the improvement of it.
38 Geo. III. c. 75. s. 33. (Ireland) to relieve the sheriffs of the county of the town of Galway from accounting for all process issued to them from the Exchequer before the 29th September 1795.
11 Geo. IV. and 1 Will. IV. c. 122. (loc. and pers.) Harbour Commissioners' Act.
1, 2 Will. IV. c. 54. (loc. and pers.) amendment of the last.

And some now obsolete or repealed provisions of the laws affecting Roman Catholics.

103. We send with this Report copies of the following Documents:

Documents sent.

1. Copy of the Charter of Elizabeth.
2. Copy of the Warrant of the Bakers' Guild.
3. Return of the Corporate Officers for the last Ten Years.
4. Return of Fees in the Tholsel Court.
5. Form of Process therein.
6. Bill of Costs therein.
7. Copy of the Schedule of Tolls from the Irish Commons Journals 1762.
8. Cranage Charges by the Weighmaster.
9. Return of the Income of the eight Parishes comprised in the Wardenship.
10. Quæres and Presentments at the Summer Assizes of 1828, Summer Assizes of 1830, and Spring Assizes of 1833.
11. Abstracts of Memorials of Mortgages by the Corporation in 1742, 1747, and 1748.
12. List of the Common Council in September 1833, distinguishing those resident and non-resident.
13. Abstract of the Expenditure and Receipts of the House of Industry from 1824.
14. Accounts of the Harbour Commissioners for 1833 and 1834.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Galway from the 13th to the 21st of September 1833.

Note.—Since the above Report was prepared we have learned that the appeal to the House of Lords against the decree of the Lord Chancellor in the toll cause, mentioned in page 330, has been withdrawn.

REPORT

ON

THE BOROUGH OF LANESBOROUGH.

(COUNTY OF LONGFORD.)

CONTENTS.

	Page
Charter of Charles I.	337
Borough Limits	337
Constitution	337
Title	337
Freemen	337
Sovereign	337
Bailiffs	337
Burgesses	337
Recorder and Town Clerk	337
Serjeant at Mace, &c.	337
Return to Parliament	337
Corporation, Extinction of the	337
Courts, &c.	338
State of the Town	338
Statistical Details	338

BOROUGH OF LANESBOROUGH.

1. CHARLES I., by a Charter in the seventeenth year of his reign to Sir George Lane and his heirs, erected the lands of Ballyleag, and several other denominations in the county of Longford, into a manor, by the name of "The Manor of Lanesborough," with power to Sir George Lane and his heirs to hold Courts Leet and view of frankpledge, before a seneschal, and a Court Baron, for pleas to the amount of 40*s*., and a Court of Record to the amount of £200 for all actions personal and mixt, with various other privileges and franchises. CHARTER of Charles I. Creating the Manor of Lanesborough,

2. And the same charter declares that the town and lands of Ballyleag shall be a free Borough and corporation, by the name of "The Borough and Town of Lanesborough," to extend every way from the middle of said town, 100 acres in the whole. and Borough. Its Limits.

3. The corporation to consist of one sovereign, two bailiffs, and 12 burgesses, and to be called, Constitution,

4. "The Sovereign, Bailiffs, and Burgesses of the Town and Borough of Lanesborough." and Title.

5. The charter empowered the sovereign, bailiffs, and burgesses, to admit such persons to be Freemen as they should think meet, who should, on admission, be members of the body politic, and pay a fee of 5*s*. for the use of the borough. Freemen.

6. The Sovereign was to be annually elected by the sovereign, bailiffs, and burgesses, out of the burgesses, on Monday next after the feast of St. John the Baptist, and sworn into office at Michaelmas. He was to have charge of the government of the borough, with power to appoint one of the burgesses, with consent of the bailiffs and burgesses, to be his deputy, when absent. The sovereign and his deputy were to be justices of the peace and coroners within the borough, and the sovereign was also to be a justice of peace within the borough for a year after the expiration of his year of office. Sovereign.

7. The Bailiffs were also to be elected yearly, on the same day, out of the burgesses, by the sovereign, bailiffs, and burgesses. Bailiffs.

8. The Burgesses were to be elected by the same body out of the freemen, inhabitants of the borough, and town and liberties, "according to the use and practice of the boroughs of Banagher, Carisfort, and Jamestown." Burgesses.

9. Sir George Lane and his heirs were empowered to elect a Recorder and Town Clerk, during pleasure, to have the jurisdiction of the above named boroughs, viz., in civil matters, of pleas to the amount of five marks; the court to be held every Thursday. Recorder and Town Clerk.

10. A Serjeant at Mace and other inferior officers were to be appointed by the sovereign, bailiffs, and burgesses, to exercise the powers of the aforesaid boroughs, during the wish and pleasure of the sovereign, bailiffs, and burgesses. Serjeant at Mace, &c.

11. The sovereign, bailiff, burgesses, and freemen, were empowered to return two burgesses to Parliament. Return to Parliament.

12. The other Powers given by the charter to this corporation were to have a common seal, to build a tholsel, to be a guild mercatory, to make bye-laws, and to purchase lands, to the yearly value of £20, notwithstanding the statute of mortmain. Other Powers.

The sovereign, bailiffs, burgesses, and all the inhabitants of the borough and town, were to do suit to the manor, and plead and be impleaded there. The charter is enrolled. (Rot. Pat. 17 Car. II. p. 3. m. 27.)

13. A Corporation existed under the foregoing charter until the period of the legislative Union between Great Britain and Ireland, but has since become completely extinct. It was kept up principally, if not entirely, for the purpose of enabling a few individuals to return two Members to the Irish Parliament; and this being one of the boroughs disfranchised at the Union, the sum of £15,000 was paid, as compensation for the loss of the privilege, to Luke Lord Clonbrock, the patron of the borough. Extinction of the CORPORATION.

A sovereign, deputy sovereign, burgesses, a few freemen, and a serjeant at mace, who acted as a constable, were the only officers or members of the corporation of whom we could find any recollection among the inhabitants of the town. None of the burgesses resided in or near Lanesborough, nor were the freemen chosen from the inhabitants. We could not ascertain that there ever had been any bailiffs, recorder, or town clerk. The corporation only met to elect Members of Parliament, and on the charter days to elect and swear in the sovereign, &c. There was no tholsel, and the corporation was not possessed of any property for charitable uses, or otherwise. No courts were held for some time previous to the Union, and with the trifling exception of the services of the serjeant at mace, who was the only acting officer, the corporation may be considered as having been utterly useless to the town.

LANESBOROUGH.

There has not been any corporate meeting in Lanesborough since the Union, and we could not learn that a single burgess or freeman of the corporation was now in existence.

Courts, &c.

14. There is no local Court held for the manor or borough. Petty sessions are not held in the town, and the want of a resident magistrate is much felt. The inhabitants are obliged, on occasions requiring the services of a magistrate, to resort to Roscommon, Strokestown, or Ballydrum, the nearest of which is five miles distant.

The town is not lighted. Some of the county constabulary force are stationed in it.

State of the Town.

15. Lanesborough is a small town, conveniently situated for trade by the Shannon, over which river there is a bridge at this place, connecting the counties of Longford and Roscommon. There is a very considerable export of corn, pigs, and eggs, by the Shannon and the Royal and Grand Canals. The tolls formerly collected in the town, and which were the property of the proprietor of the soil, have been given up, and the general appearance of the town is improving. There is a small weekly market, and a fair yearly on the 12th of February.

The following grants of fairs and markets in Lanesborough appear on record:

1620. (Pat. 18. Jac. I. p. 2. m. 12.) Grant to Gerald Murtagh of a market every Tuesday and a fair on St. Peter and St. Paul's day, at Belaleige otherwise Lanesborough, at the rent of £1 Irish.

1664. (Pat. 16 Charles II. p. 1. m. 31.) Grant to Sir George Lane of a market every Thursday, and of fairs on the 2d February, 23d April, 25th July, and second Tuesday after All-Saints day, and two days after each.

Statistical Details.

16. Lanesborough contained, in the year 1831,

Houses inhabited	66
„ building	2
„ uninhabited	4
Families	70
Persons	390

We are not apprized of any circumstances which would warrant the revival of corporate institutions in so small a community.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Lanesborough, September 6, 1833.

539

REPORT

ON

THE COUNTY OF THE CITY OF LIMERICK.

CONTENTS.

	Page
Limits	343
New Town	343
Old Town	343
Liberties	343
North Liberties	343
South Liberties	343
Parishes	343
Acreable Contents	344
Inniscattery	344
Admeasurement of 1609	344
Boundary Act	344
Prescription	344
Charters	344
John Earl of Morton	344
Edward I.	344
Henry IV.	345
Henry V.	345
Henry VI.	345
Henry VII.	345
Edward VI.	345
17 Elizabeth	345
25 Elizabeth	346
James I.	346
Report by Master of the Rolls, 1671	347
New Rules of Charles II.	347
Charter of James II.	347
Limerick Regulation Act	347
Guilds of Trades	347
Merchants of the Staple	348
Bye-laws	349
Books of Proceedings	349
Loss of	349
Corporation, Title of	349
Officers of	349
Number of Freemen	349
Mayor, how elected	349
Deputy Mayor	350
Sheriffs, how elected	350
Aldermen, how elected	350
Burgesses, how elected	350
Their Oath	350
Select Body, or Common Council	351
Recorder, how elected	351
Charter Justices, how elected	351
Town Clerk, how elected	351
Chamberlain, how elected	351
Vice-chamberlain	351
Common Speaker, how elected	351
Water Bailiff, how elected	352
Swordbearer and Constables, how appointed	352
Serjeants at Mace, how appointed	352
Weighmaster, how appointed	352
Cranemaster, how appointed	352
Clerk of the Market, how elected	352
Ranger of the Exchange	352
Bellman	352
Former Officers	352
Fines	352
Freedom, Rights to	352
Residence	353
Grace Especial	353
Gift	353
Purchase	353
"New Rules"	353
Suits respecting Rights to	353
Mode of Admission	353
Committee of Claims	354
Evidence required	354
Number admitted since 1823	355
Fees on	355
Oaths of Freemen	355
Freemen, few in Number	355
Select Body, Functions of	356
Meetings of	356
Notices of	356
Court of D'Oyer Hundred	356
Observations on the Constitution	357
Mayor, Functions of	359
Patronage of	359
Salary and Emoluments of	359
Sheriffs, Functions of	360
Salary and Emoluments of	360
Privileges and Patronage of	360
Aldermen, Functions and Privileges of	360
Burgesses, Functions and Privileges of	361
Present Members of Common Council	361
Recorder, Functions of	362
Salary and Emoluments of	362
Charter Justices, Functions of	362
Town Clerk, Functions of	363
Salary and Emoluments of	363
Deputy of	363
Chamberlain, Functions of	363
Emoluments of	364
Common Speaker, Functions of	364
Salary of	364
Water Bailiff, Functions of	364
Deputy	364
Emoluments of	364
Swordbearer, Functions and Salary of	365
High and Petty Constables, Functions and Salary of	365

	Page
Serjeants at Mace, Functions and Salary of	366
Sheriffs' Bailiffs, Functions and Salary of	366
Poundkeeper, Functions of	366
Weighmaster, Functions of	366
Emoluments of	366
Hide Cranemaster, Functions and Emoluments of	366
Ranger of the Exchange, Duty and Salary of	366
Bellman, Salary of	366
Organist, Salary of	366
Deputy Clerk of the Market, Duty and Salary of	367
Freemen, Functions and Privileges of	367
Jurisdiction	367
Quarter Sessions	367
Times of Sitting	367
Crier	367
Grand and Petty Juries	367
Nature of Offences tried	367
Number of Cases	368
Remarks	368
Petty Sessions	368
Tholsel Court	368
Its Judges and Officers	368
Amount and Extent of its Jurisdiction	368
Sittings of	368
Practice of	368
Costs in	369
Number of Causes	370
Removal of Causes	370
Mayor's Court, or Court of Conscience	370
Practice and Fees in	370
Number of Cases	370
Sheriff's Court	371
Admiralty Court	371
Assistant Barrister's Court	371
Police	371
City Grand Jury, Composition of	371
Functions of	372
Presentments of	372
Loans to	373
Ascertainable Assessments	373
Patronage of	374
St. Michael's Parish	374
Commissioners	374
Meetings of	374
Mode of Assessment	374
Amount of Assessment	374
Application of Assessment	374
Watching	374
Lighting	374
Paving and Cleansing	375
Salaries to Officers	375
Debt	375
Accounts	375
Remarks	375
Wellesley Bridge and Harbour Commissioners	375
Gaol	376
Ecclesiastical Patronage	376
Schools	376
Blue School	376
Charities	377
Forty Shillings Almshouse	377
Hall's Charity	377
Craven's Charity	377
House of Industry	377
Barrington's Hospital	377
Fever Hospital	378
Lunatic Asylum	378
Other Public Charities	378
Revenues	378
Landed Estates	378
Title thereto	378
Inquisition, 18 March, 12 James I.	379
Rent Roll of 1677	380
Island of Inniscattery	380
Mode of letting	381
Rental	381
Fishery	389
Abstracts	390
King's Island	390
Tolls and Customs	390
Nature of	390
Title to	391
Suits respecting	393
On Goods by Canal	393
Corn grown in the County of the City	393
Goods coming into the Suburbs	393
Potatoes and Corn	393
Letting to the Chamber of Commerce	394
Leather	394
Other Articles	394
Effect of the Verdict of 1824	395
Tolls of the Market	395
on Corn	395
Cattle	395
Standings	395
Tolls of the Fairs	396
Tolls how let	396
Report of Chamberlain	396
Leases and Security	396
Abatements	397
Exemption of Freemen	397
Expenses of Collection	397
Proposed letting of distinct Gates	397
Scavengers' Lots	398
Incidental Revenue	398
Debts	398
Expenditure	398
Accounts	400
Observations on the Expenditure before 1821	405
Expenditure since 1824	406

	Page
Supposed Annual Expenditure	406
Mode of accounting before the Regulation Act	407
Since	407
Information in 1816	407
Committee of Accounts	408
Right of Appeal	408
State of Guilds	408
Chamber of Commerce	408
State of the City	409
Statistical Details	409
Population	409
Trade	409
General Observations	410
Acts of Parliament	411
Documents sent	412

COUNTY OF THE CITY OF LIMERICK.

LIMITS. 1. THE corporation of the city of Limerick exercises authority over the city, its liberties, and the island of Inniscattery, at the mouth of the Shannon. These (with the exception of the King's Castle, county court house and gaol, situate within the city) form a distinct county, called the County of the City of Limerick. The corporation has also by charter an exclusive admiralty jurisdiction over "so much of the river Shannon and its creeks, banks and rivulets as extends from three miles north-east of the city, to the mouth of the main sea."

New Town. 2. The city of Limerick, as built upon, is usually distinguished into the Old Town and the New. Almost the entire of the latter is within the parish of Saint Michael in the liberties, and for many purposes of taxation and municipal government is by local Acts exempted from the jurisdiction of the corporation, and placed under a distinct body of commissioners. The New Town is larger than the old. It comprises the wealthy and trading part of the city, and is daily increasing in importance.

Old Town. 3. The Old Town contains the parishes of St. John, St. Mary's (except the island of Inniscattery) and part of the parishes of St. Nicholas and St. Munchin. It is inhabited by a dense but poor population, and is gradually declining.

The Liberties. 4. The Liberties surround the city, and are distinguished according to their position with respect to the Shannon, which divides them, into North and South.

North Liberties. The North Liberties are on the county Clare side. Their limits are at unequal distances from the city, varying from one to three statute miles.

South Liberties. The South Liberties extend on the county Limerick side of the Shannon, in every direction, from four to five statute miles. Whether that part of the river Shannon between the confines of the liberties and the sea, is part of the county of the city seems questionable. It is generally so considered.

Parishes. In the abstract of the Population Returns of 1831, printed by order of the House of Commons, the county of the city of Limerick is described as containing the following Parishes and parts of parishes:

1. Abington (part of) Parish,
2. Cahernarry Parish,
3. Cahervalla Parish,
4. Carrigparson (part of) Parish,
5. Crecora (part of) Parish,
6. Derry Galvin Parish,
7. Donoughmore Parish,
8. Kilkeedy (part of) Parish,
9. Killeely Parish,
10. Killeenegarriff (part of) Parish,
11. Kilmurry Parish,
12. Knocknegaul (part of) Parish,
13. Mungret (part of) Parish,
14. St. John's Parish,
15. St. Lawrence's Parish,
16. St. Mary's Parish,
17. St. Michael's Parish,
18. St. Munchin (part of) Parish,
19. St. Nicholas Parish,
20. St. Patrick Parish,
21. Stradbally (part of) Parish;

besides St. Francis's Abbey, therein described as extra-parochial and as a part of the suburbs of the city; but a doubt is expressed as to whether it belongs to the county at large, or the county of the city. The site and precincts of St. Francis's Abbey were excepted by the charter of James I., hereafter stated, from the county of the city as a convenient place for the court-house of the county of Limerick. The present county court-house was built some years since on a different site; and under the 6 Geo. IV. c. 99, s. 6, St. Francis's Abbey has become part of the county of the city.

The Down Survey contains a map of the South Liberties, and gives the following enumeration of parishes comprised in them, and their acreable contents:

CITY OF LIMERICK.

	A.	R.	P.
Part of the parish of Stradbally	1,387	0	0
Killienegarruffe	918	2	0
Kilmurry	2,016	0	0
Part of Derry Galvane	587	1	0
Part of Carrig-i-Parson	682	0	0
Part of Carnary	639	3	17
Part of Cahirivally	1,301	2	0
Downaghmore	1,203	3	0
St. Michael's	346	1	10
St. Nicholas	860	0	0
Knocknegaule	1,136	1	0
Mongrett	3,037	2	0
St. Patrick's	691	0	0
St. Lawrence	4	1	0
St. John's	2	2	32
Total	15,213	3	19

Acreable Contents of Liberties.

In No. 5 of the Appendix B. of Documentary Papers to the Report of the Select Committee on the city of Limerick Taxation, ordered by the House of Commons to be printed on the 31st July 1822, the denominations of the north and south Liberties are stated in detail; the number of acres in the former being 1,714, and in the latter 14,040½. In the Returns relating to the estates of the corporation, ordered to be printed by the House of Commons on the 12th August 1833, p. 72, the denominations are given as taken from the grand jury warrant of spring assizes 1833. They differ in some of the details from the statements of 1822; and the contents by the warrant of 1833 appear to be, of the north liberties 1,708 acres, and of the south 13,840; being a difference in the whole of 206½ acres less than the acreable contents given in 1822.

The contents of both liberties by the late Return are 15,548 Irish acres, making about 25,000 statute acres. A strong impression seemed to exist that the actual contents of the liberties exceed those stated by the grand jury; but we are unable to say how far this impression is well founded.

Inniscattery.

5. Inniscattery is a small island in the Shannon, containing 103 Irish acres. It is about 60 miles distant from Limerick, and, although so remote, forms a part of the parish of St. Mary's, one of the city parishes above mentioned.

Admeasurement, 1609.

6. By the charter of 6 James I., which created the county of the city, commissioners were appointed to measure and mark out the new boundaries "three miles every way, in and through the county of Limerick, from the exterior part of the city walls;" and by a deed of admeasurement, made under this commission, bearing date the 31st August 1609, and enrolled in Chancery, the mears and bounds of the county of the city were declared and certified to be as therein stated. This admeasurement was confined to the county Limerick side of the Shannon, and does not include the north liberties. A copy of this deed is printed in the Appendix B. to the Report of the Committee of 1822, before referred to, No. 4.

The boundaries so laid down far exceed, as already appears, the limit of three miles prescribed by the charters. They are defined with great minuteness in the deed of admeasurement; and the powers of perambulating them, conferred by the charter, were exercised by the corporation in the year 1765 as a then usual ceremony. However, there has been no perambulation of late years, and perhaps it is owing to this omission that the limits of the county of the city are in one point, at least, not accurately known. This uncertainty occurs in the denomination of Tervoe, in the south liberties, and the consequence of it will be noticed in a subsequent branch of this Report.

Boundary Act.

7. The Boundary Act has made no alteration in the limits of the county of the city of Limerick.

Prescription.

8. The corporation of this city exists by Prescription and Charter, and its authority is regulated and confirmed by statute. Its prescriptive rights have been constantly pleaded, and are recognised by several of its charters, and recently by the 4 Geo. IV. c. 126, commonly called the Limerick Regulation Act.

Charters. John Earl of Morton.

9. The earliest Charter known to have been given to the citizens of Limerick is that of John Earl of Morton and Lord of Ireland, in 1199. This charter is not on record, but is recited in the next succeeding charter, that of Edward I., as a grant to the citizens of Limerick of "all the liberties and free customs which the citizens of Dublin, by whatever charters of Kings of England and Lords of Ireland, wheresoever used." By an inquisition taken at Limerick, 18th Mar. 12 Jac. I., and hereafter more fully noticed, it is found that King John granted to the mayor and citizens of Limerick 40 plough lands, at a rent of £40 yearly. These plough lands are near the city, and for one of them a chief rent is received by the corporation to this day. The "honour" of Limerick was granted by John in the second year of his reign to William de Braosa for 5,000 marcs. The city of Limerick being retained in the hand and demesne of the King with the cantred of the ostmen and the Holy Island (Inniscattery).

Edward I.

10. The charter of Edward I. is dated in the twentieth year of his reign (4th February 1291.) This charter and an exemplification of it in the 31 Edward I. are enrolled. (Rot. Pat. 6 Edward VI. m. 11.)

CITY OF LIMERICK.

This charter, after reciting the foregoing grant by John Earl of Morton to the citizens of Limerick, of the liberties and free customs of Dublin, and that they had theretofore used and enjoyed the same, although not expressed in that charter, in order to remove all ambiguity as to the liberties and free customs of the citizens of Limerick, confirms to them "all the liberties and free customs expressed in the charters of Dublin," which this charter then proceeds to specify in detail. Many of them connected with the then existing state of the law have long become obsolete. Those most deserving of notice are, "that no citizen plead outside the walls of the city of any plea, except of a plea concerning extern tenures not belonging to the hundred of the city:" "that the citizens should be free of toll, lastage, pontage, passage and all other customs, throughout the King's entire land and dominion:" "that the hundred should be held within the city once only in a week; that the citizens might distrain their debtors by their chattels in Limerick, and that of the lands, tenements and tenures within the city, right be done to them according to the custom of the said city; and that concerning debts lent and pledges given within the city, pleas might be there held according to the custom of the city, saving the pleas of the Crown."

It further specifies that the citizens of Limerick should have all reasonable guilds, as the burgesses of Bristol had; and empowers them to choose a mayor of themselves annually for the government of the city, "to be presented, when elected, to the King, if present; if not, to his justice of Ireland, and swear allegiance:" "that the citizens should have all the tenures belonging to the city to dispose of at their pleasure, with their common assent, to hold in free burgage, by service of langable, and that each citizen might improve in building wheresoever he would, on the bank within the said city; that they might have and possess all lands and waste places in the said liberty, at their will to build upon, for the use of the city;" and it granted them a 15 days' fair at the feast of St. James, with all the liberties and free customs to such fair belonging.

11. This charter was confirmed by Henry IV. in the first year of his reign, 25th June 1400. Henry IV.

12. Henry V. by a charter dated 20th January, first year of his reign, 1413, after confirming the preceding charters and all the privileges therein contained, although they might not have been theretofore used and enjoyed according to the charters, and reciting the services of the citizens against the King's Irish enemies, granted to the mayor and commonalty of the city the power of meeting and making ordinances and statutes for the advantage of the city, and power to elect from themselves a mayor and two bailiffs annually; the mayor to be sworn before the mayor of the preceding year (instead of before the King or his justices, as under the preceding charters;) or in his default, from death or other cause, before the citizens: the bailiffs to be sworn before the mayor. Henry V.

It gives to the mayor and bailiffs cognizance of all pleas, real and personal, assize of novel disseisin, *mort d'ancestre* and others, with power to arrest and attach by body and goods within the city for all contracts and trespasses arising within the city and liberties, and according to law to imprison, punish or discharge the defendants; the mayor to be escheator, coroner and inquisitor, and the mayor and bailiffs to have the profits of all pleas; and it declares that no justiciary, escheator, inquisitor, clerk of market, or other servant of the King, justice of the peace, or of labourers, shall enter or interfere in any matter within the city, except concerning felonies, which should be determined by commission to any other person, and the mayor for the time being.

Full power is given to the mayor and his successors to inquire, hear and determine all matters belonging to the aforesaid offices "according to the usage of the kingdom of Ireland and the common law;" and to the mayor and commonalty to have all fines, amercements and issues to justices of the peace belonging, and all other forfeitures, chattels of fugitives and felons, waifs, strays, forfeitures of bread and other victuals, tolls, and the custom called cocket, with power to collect and receive them by their own officers, to their own use, by land and by water; and the profits of the fishery called the lex-weir, with its appurtenances for ever.

It further grants that none of the city should plead or be impleaded before the King or his justiciary of lands or tenements, rents or services, or of any other thing arising within said city by land or water, but should be bound to proceed before the mayor and bailiffs within the city. It empowers the mayor and commonalty to hold their market as of old; and the charter directs that no one of Irish blood or nation (the word Irish to be understood as usually understood in Ireland) should be mayor, or exercise any other office within the city; and that no person should take or maintain any man or child of Irish blood and nation as apprentice, on pain of losing his franchise.

13. An exemplification by Henry VI., in the second year of his reign, (1423,) of the preceding charter, is recited in the first charter of Elizabeth hereinafter stated. Henry VI.

14. Henry VI. also, in the eighth year of his reign, (1429,) confirmed the previous charters "of such of the franchises, liberties and acquittances as were not revoked by the advice and assistance of the lords spiritual and temporal in a Parliament held at Westminster, in the first year of his reign."

15. These charters were again confirmed by Henry VII., in the second year of his reign (1489.) Henry VII.

16. And by Edward VI., in the sixth year of his reign (1551.) Edward VI.

17. Queen Elizabeth granted two charters to this corporation. The first is dated 28th October, seventeenth year of her reign, (1575,) and after confirming and renewing all former charters and privileges, grants a sword of state and hat of maintenance to be borne before the mayor within the city and liberties. 1st Charter of Elizabeth.

CITY OF LIMERICK.

It empowers the mayor, bailiffs and recorder (an officer then first mentioned) to deliver the gaol from time to time of prisoners confined for felony, according to the laws and customs of the kingdom of Ireland, and to do all other things necessary for the delivery of the gaol without any new commission.

This charter provides "that no one of Irish blood, or who lived as an Irishman (the term Irishman to be understood as it was accustomed to be taken in the kingdom of Ireland) should be thenceforward promoted to any dignity or any ecclesiastical benefice in the cathedral church of Limerick without the special licence of her deputy;" and that no arms or warlike instruments, or other wares, were to be sold or unladen by foreigners, out of any vessel coming by the Shannon to the city, except to the mayor, bailiffs and citizens, or to some one commorant in the city, or by licence and permission of the mayor, bailiffs and citizens, on pain of forfeiture of the vessel and goods, saving the rights of her English subjects. It gives to the corporation, without any account to the Crown, all fines and forfeitures, amercements and penalties happening within the city and liberties, under any Act of Parliament or otherwise; and the mayor and bailiffs are exempted by it from appearing in person out of the city to any warrant or summons, except for contempt, felony or treason.

2d Charter of Elizabeth.

18. Queen Elizabeth's second charter dated 19th March, twenty-fifth of her reign, (1582,) recites and confirms the preceding charters, and recites that the citizens and inhabitants of Limerick enjoyed their rights and liberties from time whereof the memory of man ran not to the contrary, as well by prescription as by those charters. This is a charter of incorporation by the name of "Mayor, Bailiffs and Citizens," and granted to the corporation all former privileges which they at any time enjoyed by their successive corporate names of "Mayor and Commonalty;" "Mayor, Bailiffs and Burgesses;" "Mayor, Bailiffs and Commonalty," or "Mayor, Bailiffs and Citizens," confirming their ancient limits and boundaries, by land and water, with powers of perambulating them.

This charter also grants to the citizens of Limerick the liberty of walking and exercising in the "King's Island," as often as they pleased, without obstruction from the Crown or any of its subjects; and gave to the corporation all the soil and waste places of land called the New Stent, or New Extent, within the city suburbs and liberties, as were at any time enjoyed by them theretofore, and all buildings thereon, with power to rent out the same. It also gave them power to raise and collect all the small custom called ingate and outgate custom, and granted the fisheries of the Shannon called the Lex Weirs and Fisher's Stent, to hold and enjoy all said franchises, jurisdictions, perambulations, soils, waste places and fisheries to the mayor, bailiffs and citizens of said city and their successors for ever, at a rent of 6*s.* 8*d.* to the Crown for the Fisher's Stent; and it empowered them to put themselves into quiet seisin and possession of all the aforesaid grants without any interruption from the Crown or its officers.

Charter, 6 James I.

19. The next Charter obtained by the city of Limerick was granted by King James I., in the sixth year of his reign. (3d March 1609.) This charter recites the recent sufferings of the city of Limerick in the rebellion of the Geraldines, their assistance to the King in the war in Ulster, and in anticipation of the future services of the inhabitants towards the Crown, proceeds to declare the city of Limerick a free city of itself. It grants to the mayor, bailiffs and citizens, and the citizens and inhabitants of the city to be a body politic and corporate, by the name of "The Mayor, Sheriffs and Citizens of the City of Limerick," with the usual power to hold lands, to demise or assign them, to plead and be impleaded by their new corporate name. It confirms all their former possessions in the most large and ample manner by whatever corporate name enjoyed, or by whatever legal title, grant or prescription acquired. The charter then proceeds to make the city of Limerick a county by itself, as already referred to under the head of "Limits," excepting thereout the King's castle and precincts thereof, one lower room under the Tholsel used as a common gaol for the county, and also the site of the abbey of St. Francis and its precincts, being a fit place for holding the assizes and sessions for said county of Limerick, and confers full power of perambulating these boundaries.

This charter enables the mayor, sheriffs and citizens to choose one of the "more honest and discreet citizens" to the office of mayor, to be chosen as theretofore; directs that, instead of two bailiffs, two sheriffs shall be chosen; and points out the mode of their election and how vacancies in the office, by death or amotion, are to be filled up. It directs that all persons theretofore considered citizens shall continue so to be, and that in all things they shall be ordered and governed as formerly. It enables them to choose as many aldermen, serjeants at mace and other officers as usual. It confers an exclusive admiralty jurisdiction, both criminal and civil, over so much of the river Shannon as extends three miles north-east of the city to the mouth of the main sea, with all its creeks, banks and rivulets within their limits; gives power to hold a Court of Admiralty, or Record, every Monday before the mayor, recorder and aldermen, any three or more of them, (of whom the mayor and recorder were to be two,) who were to keep the peace on the Shannon within these limits; and all the powers of the Admiralty Courts in England and Ireland were given to the corporation in these limits. To receive recognisances, to take fines and amercements, waifs, royal fish and other royal prerogatives, with a non-intromittent clause as to the admirals of England and Ireland.

A society of merchants of the staple was incorporated by this charter by the name of "The Mayor, Constables and Society of Merchants of the Staple of the City of Limerick," with the privileges and franchises of the merchants of the staple of Dublin and Waterford.

This charter further constituted the mayor, recorder and four of the aldermen (a class first noticed in this charter) justices of the peace for the county of the city; the four aldermen

to be annually elected as therein mentioned and hereafter noticed, and empowered any three or more of them, of whom the mayor and recorder were to be two, to hear and determine within the city, at all times to be appointed by them, all felonies and other crimes, except treason, misprision of treason and murder, and do all things in relation thereto as belonged to the office of justice of the peace.

This charter also granted to the corporation all fines, escheats and amercements, in as ample a manner as the corporations of Dublin, Waterford and Cork enjoyed the same, except such royal fines as should be imposed on the sheriff or coroners of the said county of the city of Limerick; the fines so granted (except as aforesaid) to be collected by their own officers, and applied to the repair of the walls, bridges and other necessary uses of the city; and, lastly, it enabled them to hold lands, &c. to the value of £40 per annum, notwithstanding the statute of Mortmain. The above charters of Elizabeth and James I. are printed in the Appendix B. to the Report of 1822, already mentioned, Nos. 1 and 2. None of the charters are in the possession of the corporation. From the date of the charter of James I. to the year 1670, the constitution of the corporation underwent no legal change.

Report by Master of Rolls, 1761.

20. In the year 1670 an application was made by the corporation to King Charles I., for a renewal of the charter of James and for a further extension of the privileges thereby conferred; and in pursuance thereof, a reference was made to the Master of the Rolls of Ireland to report to his Majesty on this charter; a Report was accordingly made to the Lord Lieutenant, setting forth the full contents of the charter of James, and directing the attention of his excellency to the "New Rules and Orders for the Regulation of Corporations in Ireland," then recently introduced; and it prayed the Lord Lieutenant's directions as to which of said "New Rules and Directions" were to be inserted in the proposed new charter to Limerick, "such as might best consist with his Majesty's service and the good of the said corporation."

"New Rules."

This Report, dated the 13th February 1671, was immediately followed by a proclamation of the "New Rules" for the government of the corporation of the city of Limerick.

By the first of these, the approbation of the Lord Lieutenant and Council was made necessary to the appointment of the corporate officers of mayor, sheriffs, recorder and town clerk, within 10 days after their election.

By the second, the oath of supremacy was required from all such corporate officers.

By the third, the election of all corporate officers was taken away from the body of freemen, and vested in the common council, and nothing permitted to be discussed in the general assembly of freemen, or Court of D'Oyer Hundred, which had not previously passed the common council, and this under pain of disfranchisement.

And, by the fourth, the admission of foreigners and Protestant settlers in the town of Limerick to the freedom of the corporation, was provided for as in other corporate towns in Ireland.

By an entry in the corporation books of the year 1674, it appears that at this period an attempt was made by the corporation to obtain a new charter. An order of the Common Council was passed "That a new charter be sued for." The mayor and recorder were authorized to proceed to Dublin and employ agents for the purpose, and a sum was placed at their disposal to defray the necessary expenses. However, no effectual steps towards obtaining the new charter appear to have been taken, and the corporation underwent no further change in its constitution from the promulgation of the "New Rules" till the year 1823, when the 4 Geo. IV. c. 126, or Limerick Regulation Act, was passed, if we except the temporary grant of a new charter by King James II., which is on record. (Rot. Pat. 4 Jac. II. p. 2. m. 1.) This charter recites a judgment against the corporation in the Exchequer, and professes to constitute a new corporate body. Its provisions are very comprehensive, but may be briefly described as creating a self-elected municipality, removable by the Lord Lieutenant and Privy Council. Its operation appears to have been limited to this short reign.

Charter of James II.

Limerick Regulation Act. 4 Geo. IV. c. 126.

21. The Act 4 Geo. IV. c. 126, which is entitled "An Act for the better Government of the City of Limerick, and the due Appropriation of the Public Revenues thereof," recites that the city of Limerick was a city by prescription and charter, enjoying rights, franchises, tolls, customs, privileges and immunities, granted and confirmed by the several monarchs above mentioned; that all the tenures of the city were, by the said charter, granted to the citizens, to be disposed of at their will by their common assent; that the corporation were bound, out of the revenues of the city, to maintain divers ways, bridges and public works within the city and the liberties thereof; that many of the ancient records of the corporation had been lost, withheld or suppressed, whereby the rights, privileges and franchises of the citizens had been endangered, and the public revenues had not been duly applied; that the citizens were by royal charters empowered to meet together in a certain place within the said city, and ordain and establish bye-laws for the use and benefit of the city; and that the confirmation and assent of the citizens so assembled under the royal charter, in general assembly, or Court of D'Oyer Hundred, were, by the ancient constitution of the said city, necessary to give force and validity to the acts of the common council, provided that nothing be proposed or debated in the said Court of D'Oyer Hundred, until the same shall have first passed the Common Council, and provided that the elections of any mayor, sheriff, recorder, town clerk or other officer shall be made by the members of the common council only.

The statute further reciting that it was expedient to provide for the security and due appropriation of the public revenues of the city, proceeds to enact several regulations and provisions for the government of the corporation, which will be hereafter noticed, under the respective heads of this Report to which they relate.

Guilds of Trades.

22. The charter of Edward I. recognised, as already stated, in general terms, the right of the citizens of Limerick to have Guilds of Trades as part of the liberties and free customs in

CITY OF LIMERICK.

the charters of Dublin, and empowered them " to have all their reasonable guilds as the burgesses of Bristol had or were accustomed to have."

The charter of James I. incorporated " the merchants of the staple or guild of merchants with the same franchises as in Dublin and Waterford;" and the third of the " New Rules" for Limerick required the master and wardens of any corporate guild or fraternity within the city to take the oath of supremacy and other oaths, thus recognising the existence of such guilds at that period.

By an entry in the corporation book of 1677, it appears that the guild of feltmakers was created by the council, and they were directed to have rules, orders and directions for their government as other societies of the city. They had before been incorporated with the clothiers.

In the year 1756 there is an order in the council book for payment to the mayor of £118 15*s.* for entertaining the several corporations of the city on the occasion of proclaiming peace with France; and in the same year a sum of £13 was paid for ale delivered to the several corporations on proclaiming war against France.

Fifteen incorporated companies or guilds, namely,

Smiths,
Carpenters,
Weavers,
Shoemakers,
Tailors,
Saddlers,
Masons,
Bakers,
Coopers,
Surgeon barbers,
Butchers,
Tobacconists,
Tallow chandlers,
Hatters,
Brewers,

are stated, in Fitzgerald's History of Limerick, to have accompanied the mayor and corporation in perambulating the franchises in the year 1765. Several bodies still appear to exist in this city as guilds of different trades; and upon the occasion of our visit, the masters and wardens of them presented to us the names of the following (21 in number) as still meeting and electing officers:

Ropemakers.
Tobacconists.
Tailors.
Painters.
Coopers.
Slaters.
Sawyers.
Smiths.
Nailers.
Stonecutters.
Cordwainers.
Founderers.
Millwrights.
Shipwrights.
Carpenters.
Bakers.
Masons.
Broguemakers.
Coachbuilders.
Hatters.
Linen weavers.

These bodies are not now, however, recognised as component parts of the corporation, and have not, as far as we can trace, ever exercised any corporate right. Some profess to act under charters, two only of which were produced to us: one of them, that of the broguemakers, granted in 1688, by the mayor and sheriffs; the other, to the plasterers and slaters, from the mayor, aldermen and common council, was dated February 2 1674. Some of the charters are copied in the old council book mentioned below. They purport to constitute the several guilds members of the corporation.

The present state and proceedings of these bodies are hereafter noticed.

Merchants of the Staple.

23. The corporation of Merchants of the Staple, or guild of merchants, created by the charter of James I., having become extinct, was revived in pursuance of the 4 Geo. IV. c. 126. By an order of the Lord Lieutenant in council, bearing date the 14th August 1824, 32 members of the guild were named, one of whom only was a member of the common council of the city, but several were freemen.

The sole object of re-establishing this guild was stated to us to have been to entitle the members of it to send representatives into the common council of the city, as in Dublin, under the terms of the charter of James. But, although the guild has been thus regularly incorporated, yet, deterred, it is said, by the difficulty of showing the powers of the guild of

CITY OF LIMERICK.

merchants in Dublin in the year 1609, and by the probable expense of a necessary contest with the council, it has not made any efforts to enforce this claim, and, in fact, the merchants of the staple have never once met since their new incorporation, nor has any attempt been made to put the charter in force.

The purposes of practical utility to which such a body might, from its title, be supposed properly to be directed are now very effectively and zealously attended to by the corporation of the chamber of commerce, which was created by a charter of Geo. III., bearing date the 2d June 1815, and is in a great degree composed of the same members as the guild of merchants.

Bye-laws.

24. There is no collection of Bye-laws of the corporation of Limerick extant. No bye-laws have been recently enacted.

Books of Proceedings.

25. Of the Books of Proceedings of the corporation, one volume, the most ancient known, containing entries from 1672 to 1680, is in the Record Office, Birmingham Tower, Dublin; and a regular series of their books exists from the year 1748 to the present time, which appear to contain the proceedings of the council during that period.

Loss of.

26. Upon the Loss of the corporation books of the intervening space between 1680 and 1748, which existed in the year 1796, the select committee of the House of Commons, in 1822, report that, in the year 1796, an order was made by the Court of King's Bench of Ireland, "that the books of the corporation of Limerick should be deposited in the office of the clerk of the Crown;" that in consequence of this order five common council books were so deposited, and were inspected in the officer's custody by Mr. Grady, late a Member of the Irish, as well as the Imperial Parliament; that these books commenced in the year 1680, and were brought down to the date on which the order was served; that on the 5th July 1797, an order of court was made that the five books should be given up to J. Prendergast Smyth, Esq., afterwards Lord Gort, chamberlain of the city; that on the 25th July 1797, the chamberlain signed a receipt for these five corporation books; and that, when the production of them was subsequently required, the same chamberlain denied on oath any knowledge of what had become of them, and stated in his affidavit, "that he could not recollect whether such books ever came into his possession since the time of signing the receipt."

The preamble of the Limerick Regulation Act recites, as already noticed, that many of the ancient books and records of the corporation were lost, withheld or suppressed. Those which remain in the custody of the corporation were freely produced to us, and are in good preservation; but we were unable to obtain any further information of those supposed to be lost.

By an entry of the 10th July 1779, it appears that the older council books were then in a decayed state, and ordered to be transcribed; and by another entry, of the 7th October 1782, a sum of 10 guineas was ordered by the council to be paid for transcribing them.

There is no town clerk's office or treasury for the corporation records. The books are kept in the town clerk's private residence.

Title.

27. The Title of the corporation, by its last charter, that of James I., is, "The Mayor, Sheriffs and Citizens of the City of Limerick."

Officers.

28. The corporation as now existing consists of a mayor, two sheriffs and an indefinite number of aldermen, burgesses and freemen.

There were, at the time of our visit, 69 burgesses, including the mayor and 15 aldermen.

The officers of the corporation are,

The Mayor, who is also
Coroner, Port Admiral and Clerk of the Market.
Two Sheriffs.
Aldermen.
Burgesses and Common Councilmen.
Recorder.
Four Charter Justices.
Town Clerk.
Chamberlain.
Common Speaker.
Water Bailiff.
Sword Bearer.
High Constable.
Six Petty Constables.
Four Serjeants at Mace.
Four Mayor's Serjeants.
Four Sheriff's Bailiffs.
Poundkeeper.
Weighmaster.
Cranemaster.
Deputy Clerk of the Market.
Four Criers.
Two Bellmen.
Ranger of the Exchange.
Organist.

Number of Freemen.

29. The number of resident Freemen, registered under the Reform Act, is 271.

The number of freemen who voted in the year 1820, at the last contested election, previous to the passing of the Limerick Regulation Act, was 441. The number admitted since the Act, is 89. The total number of non-resident freemen is still considerable, but not ascertained.

Mayor, how elected.

30. The Mayor is elected annually by the mayor and burgesses. The charters make him

CITY OF LIMERICK.

eligible from the citizens at large, but in practice he is elected from the burgesses only; under the "New Rules," the mayor elect must be approved of by the Lord Lieutenant and Privy Council within ten days after the election. If approved, he is sworn into office according to the charter of Henry V. before the mayor of the preceding year, or before the citizens in case of the death or absence of the mayor.

There is no provision against the re-election for a second year, of the same individual, as mayor; on the contrary, the charter of Edward I. expressly declares it to be one of the liberties and free customs of the citizens, to elect the same or any other citizen at the expiration of the year of office; many instances have lately occurred of such re-election, one, of the same individual being elected three years successively.

There is no qualification as to property required from the person elected, but he must be a freeman; and it is understood that he should, while mayor, reside within the city or liberties. The duties of the office, in fact, render his constant residence indispensable.

Deputy Mayor.

31. We do not find any power given to the mayor, by charter or otherwise, to appoint a Deputy, though the name of such an officer occurs in the Regulation Act (4 Geo. IV. c. 126, s. 1.) No appointment of a deputy now ever takes place; but in case of the absence or illness of the mayor, one of the four charter justices, hereinafter mentioned, acts for him in all cases, except where the signature of the mayor is required to decrees or warrants.

It does not appear that any public inconvenience has been found from the want of an authorized deputy. One instance of the appointment of a deputy mayor, approved by the Lord Lieutenant and Privy Council, occurs in the earlier records.

Sheriffs, how elected.

32. By the charter of James I. the time and manner of election of the Sheriffs is thus pointed out: "The mayor, sheriffs and citizens, or the greater part of them, (of whom the mayor was to be one,) were, on the day on which the mayor was chosen," to elect two fit persons of the most discreet, fit and honest citizens to be sheriffs for one whole year, who were to be thereupon sworn into office before the mayor.

The power of electing these officers being taken away from the citizens by the "New Rules," and given to the common council, this latter body now elect the sheriffs, generally from the body of freemen at large; sometimes, though seldom, from the members of the council.

The sheriffs must, under the "New Rules," be approved of by the Lord Lieutenant and Privy Council, within ten days after the election.

It is one of the provisions of the Limerick Regulation Act, that no person shall be re-elected into the office of sheriff within three years from his having served the office. It was before not unusual for the same persons to be re-elected for several years in succession; no qualification is required in point of property, nor is previous residence considered necessary, but residence, during the year of office, is of course exacted; and there have been few instances of persons not previously residing in the city of Limerick being elected to this office.

Aldermen, how elected.

33. The Aldermen are elected by the common council, from amongst the burgesses. They hold for life. The title of alderman is, in fact, a mere honorary distinction, usually conferred on the person who has served the office of mayor No trace appears in the very early records of the origin of the aldermen; the first place where we find them mentioned is in the charter of James I., which empowers the mayor, sheriffs and citizens to nominate, elect and choose so many aldermen, serjeants at mace, and other officers as the mayor, bailiffs and citizens had used to nominate, elect and choose. They take a distinct oath of office.

Burgesses, how elected.

34. The office of Burgess is not named or noticed in any of the charters. The burgesses are elected by the council. It was stated to us not to be thought necessary that they should be freemen, but this is doubtful, and seems contrary to legal principles. There is not any qualification of residence or property required. No notice is given of the election previous to the day of its taking place. The individual is elected on being proposed and seconded in the council, and the admissions appear to have almost invariably been made without a division; only one instance has occurred in modern times of the rejection of an individual proposed.

The burgesses hold their office for life. We found no instance of removal, deprivation or resignation, nor does such an event seem to be provided for by bye-law or otherwise.

Their Oath.

The following oath of office is prescribed for a burgess by the 4 Geo. IV. c. 126, to be taken on admission:

"I, *A. B.*, do swear that I will well and truly serve our Sovereign Lord the King, his heirs and successors, and the mayor, sheriffs and citizens of the city of Limerick in the office of one of the burgesses thereof; and, as such, minister equal justice to the poor and rich, after the best of my cunning, wit and power; and that I will well and truly observe, perform, fulfil and keep all such good orders and rules as are or shall be ordered and established by lawful authority, for the good government of this city in all things to me appertaining: and I do further swear, that I will not refuse or deny his right or franchise to any person or persons justly entitled thereto, whom I shall believe to be justly entitled thereto: neither will I sanction or allow the expenditure of any part of the tolls and customs of the corporation for any purposes, other than the public uses of the city: and I further swear, that I will not sanction or consent to any act of the council contrary to the laws of the realm, and the rights, privileges and liberties of the citizens of Limerick, but that I will, in all things belonging to the said corporation, faithfully, honestly and impartially behave myself for the most benefit, credit and worship of this city and the inhabitants thereof.

"So help me GOD."

The former oath of a burgess contained the following important clause:

CITY OF LIMERICK.

"And you shall not utter or disclose any counsel or secret thing or matter, touching the fellowship or corporation of this city, whereby any prejudice, loss, hinderance or slander shall or may arise, grow or be to the same corporation."

The number of burgesses, as has been already stated, is not limited; the present number is 68, including the mayor and aldermen, and this is about the usual average number.

Select Body or Common Council.

35. The mayor, sheriffs, aldermen and burgesses together constitute the Select Body or Common Council. By what authority this body was originally created does not appear, the name of common council not occurring in any of the charters; but its existence is found in the earliest records of the corporation, and it is recognised in the "New Rules" of Charles II. and the statute 4 Geo. IV. c. 126. This is the governing body, and in common parlance is called "the corporation."

Recorder, how elected.

36. The Recorder is elected annually by the common council, and sworn into office on the same days with the mayor and sheriffs, subject, under the "New Rules," to the approval of the Lord Lieutenant and Privy Council within 10 days after his election.

The same individual is uniformly re-elected, unless disentitled by misconduct.

The recorder is always a barrister; there is not any express provision to that effect in the charters, but the necessity of this qualification seems implied in the statutes 21 and 22 Geo. III. c. 42. s. 5, and 39 Geo. III. c. 55. s. 4. Constant residence in Limerick is not required as a condition of the appointment. It is not necessary that the recorder should be previously a burgess or freeman, nor does he become a member of the council by virtue of his office; he is, however, usually elected a burgess on his first appointment. The present recorder is a burgess, but stated to us that he was not a freeman.

Charter Justices, how elected.

37. The four Charter Justices are elected annually from the aldermen by the common council under the provision of the charter of James I. The same individuals are frequently re-elected.

Town Clerk, how elected.

38. The Town Clerk is elected annually by the common council, subject (under the "New Rules") to the approbation of the Lord Lieutenant and Privy Council. This officer has always, as far as we can trace, been a burgess; and the practice is to re-elect the same individual. He is always re-sworn. It is not necessary that he should be a professional person, although many of the duties connected with the office, as will hereafter be shown, require professional experience.

Chamberlain, how elected.

39. The Chamberlain is annually elected by the common council from the burgesses, and the same individual is uniformly re-elected.

The statute 4 Geo. IV. c. 126, provides that the person elected shall, before he shall be sworn or admitted into the office, execute a bond conditioned for the due performance of the duties of the office to the mayor for the time being, for the use of the corporation, with two sufficient sureties, himself in £3,000, and each surety in £1,500 of the late currency; and that no chamberlain shall presume to act until he shall have taken and subscribed in the Court of Common Council and of D'Oyer Hundred the following affidavit, which bond and affidavit shall be filed and preserved amongst the records of the said court:

"I, *A. B.*, do swear that I will well and truly serve the mayor, sheriff and citizens of this city of Limerick, in the office of chamberlain or general receiver of this city, and that therein I will do right to all manner of people, both poor and rich, in these things that touch my office. The receipt of money due or belonging to the corporation of this city, I will truly and diligently collect and safely keep and have always in readiness, to the use, order and behoof of the said corporation; and that I will not pay any sum or sums of money belonging to the said corporation but to the order of the common council, confirmed by the Court of D'Oyer Hundred, or according to the directions of an Act passed in the fourth year of the reign of King George IV. entitled, [*here the title of the Act is inserted,*] and that I will not waste or dispense the same, but make true declaration and account thereof when and so often as I shall be thereunto lawfully required, without concealment, according to the credit and trust to me committed in this behalf. "So help me GOD."

The statute further provides, that if any chamberlain shall presume to act without having taken this oath, or shall refuse or neglect the performance of any part of the duties in the Act prescribed, he shall forfeit the sum of £500, to be recovered from him or his sureties by any two freemen or freeholders of the city, who shall sue for the same, and on and after such conviction every such chamberlain shall be *ipso facto* disfranchised, and held incapable of holding any office whatever in the corporation of Limerick. An oath of office was required from the chamberlain prior to the enactment of this statute, but it appears from the Minutes of Evidence before the Select Committee of 1822, that the administration of this oath to the chamberlain, who was then, as now, annually elected, was not attended to with any regularity.

Vice-Chamberlain.

40. There appears by the accounts and books to have been previously to 1823 an officer called a Vice-Chamberlain; but he was rather the private agent of Lord Viscount Gort, the then chamberlain, than the recognised officer of the corporation. There is no such officer at present, nor is any officer of that description alluded to in the charters of the corporation.

Common Speaker, how elected.

41. The Common Speaker is elected under the provisions of the 4 Geo. IV. c. 126, every two years, by the body of freemen assembled on the first Tuesday after the 24th of June, in the Court of D'Oyer Hundred. He must be a freeman resident in Limerick, and worth £500 at the least of the late currency, in real or personal estate. The same individual has been re-elected every two years since the passing of the above Act. His election must be approved of by the common council before he can be sworn into office. The following is the oath prescribed by the statute to be taken by this officer:

CITY OF LIMERICK.

"I, *A. B.*, residing at , in the city of Limerick or liberties thereof, (as the case may be,) do swear to be true and faithful to our sovereign Lord the King, his heirs and successors, and well and truly to serve the city of Limerick until I shall be lawfully discharged from the office of common speaker, in the said city. I swear, to the utmost of my power, to maintain and defend the just rights and privileges of the freemen of the said city, and at the Court of D'Oyer Hundred, and in all matters and things relating to my office of common speaker; to refuse or delay to no man his right, nor to sanction or consent to any expenditure of the public revenues of the corporation of the city, save for the public uses of the city; that I will in all things perform and execute the office of common speaker to the best of my skill and knowledge; and I do further swear that I am worth £500 at the least, in real or personal estate, in possession over and above my just debts."

In case of a vacancy occurring in the office of common speaker, the town clerk is bound, on the requisition of three freemen, to convene a meeting of the Court of D'Oyer Hundred, by public notice, to be held not sooner than 8 or longer than 14 days after such notice, for the election of another common speaker, qualified as aforesaid.

Water Bailiff, how elected.

42. The office of Water Bailiff is not mentioned in any of the charters; but it appears to be an ancient office of the corporation, and the fees of it were regulated by the House of Commons in 1723.

The water bailiff is elected by the council, and holds for life, or during good behaviour.

The water bailiff appoints two deputies.

Swordbearer and Constables.

43. The Swordbearer, (who is also public appraiser,) the High Constable and six Petty Constables are appointed annually by the mayor.

Serjeants at Mace, how appointed.

44. The Serjeants at Mace, or, as they are sometimes called, Mayor's Serjeants, are also now annually appointed by the same officer, though by an entry in the corporation books of the year 1756 it would seem that they were formerly appointed by the council during pleasure; and the charter of James I. declares that the mayor, sheriffs and citizens may nominate, elect and choose so many aldermen, serjeants at mace and other officers as they had used to nominate, elect and choose. In practice, the serjeants at mace are seldom removed.

By an entry in the council books of 11th October 1779, it appears that a resolution was then made that the serjeants at mace should give security for £100, and should be Protestants. No security is now given by these officers.

45. The sheriffs' bailiffs are appointed annually by the sheriffs.

Weighmaster, how appointed.

46. There appears by the older books of the corporation to have been an officer annually appointed by the corporation, called the common measurer. The present Weighmaster is an officer appointed under the statutes 4 Anne c. 14, and 25 Geo. II. c. 15, regulating weighmasters in cities and corporate towns in Ireland, and the Butter Act 52 Geo. III. c. 134. He is, under this last statute, s. 2, appointed by the mayor and aldermen for life: he has deputies appointed by himself.

Cranemaster.

47. The Hide Crane Master is appointed for life, or during good behaviour, by the common council. He appoints a deputy; and an officer, in the same department, called the inspector, is elected by the trade.

Clerk of the Market, how elected.

48. The mayor is by virtue of his office Clerk of the Market; there is also a distinct officer appointed by the council, called clerk of the market, and who is, in fact, the deputy of the mayor, in that branch of his functions. He is appointed for life, or during good behaviour.

Ranger of the Exchange.

49. The Ranger of the Exchange is appointed by the mayor.

Bellmen.

50. The Bellmen are appointed by the council, who also appoint the organist.

Former Officers.

51. The pilot was formerly an Officer of the corporation; and charges for pilotage are still enumerated in the schedule of corporation tolls and customs. However, the pilotage of the port and river is now performed under the authority of the harbour commissioners, by officers appointed by them, as hereafter mentioned, and the officer is only here alluded to as one mentioned frequently in the corporation books.

The offices of gauger and searcher, comptroller and beadles are also mentioned in the records of the corporation, but are not now known.

The offices of gauger and searcher were granted by Queen Elizabeth to the corporation; but whether ever exercised by them, does not now appear.

Fines.

52. There are not any Fines or Fees payable by the officers of the corporation on election, or on persons elected and refusing to serve.

Freedom, Rights to.

53. The Rights to Freedom were found by verdict in the year 1812, on issues joined in a case of *mandamus* at the prosecution of Lord Glentworth against the corporation, to be in,

First. Every person being of the age of 21 years, and the eldest son of a freeman.

Second. Every person being of the age of 21 years, and married to the daughter of a freeman; and

Thirdly. Every person who should serve as an apprentice within the city in any art or mystery with any freeman of the city, for the space of seven years.

This was followed by resolutions of an election committee of the House of Commons, in July 1820, confirmed by a committee of appeal under the Grenville Act, in 1821.

The resolutions of the former committee are, that no person can be admitted a freeman of the city who had not served an apprenticeship therein, or who was not resident therein at the time of his admission; and "that subject to the foregoing limitation, the sons of freemen, the sons-in-law of freemen, and persons having served seven years' apprenticeship to freemen of the city, are entitled to the freedom of the said city."

CITY OF LIMERICK.

The only substantial distinction between them and the findings above stated, is as to the qualification of Residence, which is now enforced by the Limerick Regulation Act, 4 Geo. IV. c. 126, s. 11, which,—after reciting the statute 10 Henry VII. c. 7, and that by a resolution of the common council of the city of Limerick, passed in the year 1707, it was declared, that no person whatsoever, not living and residing within the said city, should be thereafter made free of the corporation, and that said resolution should be a standing rule of the said court; and further reciting that a judgment of ouster was pronounced by the Court of King's Bench, in Ireland, against a non-resident freeman of the city of Limerick, on the ground of non-residence; and that, by the last determination of the House of Commons, on the right of election for the city, it appeared that the right of election was in such freemen of the said city as were resident therein at the time of their admission to their respective freedoms,—enacts that no person whatever should be elected or admitted to the freedom of the said city, or the freedom thereof granted to him, unless he shall be resident within the county of the said city at the time of his admission to his freedom.

Residence.

The resolutions of the committee of 1820 mention the "sons" of freemen without distinction, as entitled to the freedom; but the right was limited by the verdict above stated to the eldest sons, and the right claimed for the petitioners, before the committee, was so restricted. The resolution of the committee of appeal confines the right to the eldest son, and in practice the right is considered only to extend to such; and it is so stated in the 18th section of the 4 Geo. IV. c. 126.

54. Freemen have always been, and still may be, admitted by Grace Especial.

Grace Especial.

55. The mayor for the time being had formerly the liberty of naming two freemen. We have not found that this privilege has been exercised in modern times.

Gift.

56. It also appears that freedom was at one time attainable by Purchase.

Purchase.

57. The "New Rules" for Limerick provide, "that all foreigners, strangers and aliens, as well others as Protestants, who are or shall be merchants, traders, artisans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft or trade, or in the working or making of any manufacture, or in the art of navigation, then residing and inhabiting within the city of Limerick, or who should at any time thereafter come into the city with intent and resolution there to inhabit, reside and dwell, should, upon his or their reasonable suit or request made, and upon payment down or tender of £20 by way of fine unto the chief magistrate or magistrates and common council, or other persons, authorized to admit or make freemen of the city, be admitted a freeman thereof; and, if he or they shall desire it, of all or any guild, brotherhood, society or fellowship of any trade, craft or other mystery within the same, during his or their residence for the most part, and his and their families constant inhabiting within the city, and no longer."

"New Rules."

And it is one of the resolutions of the Limerick election committee, in 1820, that persons admitted to the freedom of the city by virtue of an Act passed in the fourteenth and fifteenth years of the reign of his late Majesty King Charles II. entitled, "An Act for encouraging Protestant Strangers and others to inhabit and plant in the Kingdom of Ireland," as by virtue of the "New Rules" of the said city, are entitled to vote at elections therein during their families' constant residence and their own residence, for the most part therein, and no longer.

58. The Rights to Freedom as above stated, were so found and established on the authority of numerous entries in the ancient books of the corporation, which are referred to in the minutes of evidence before the committees of the Houses of Lords and Commons, in 1820 and 1822, and clearly show the early and long-continued existence of those rights. It appears, however, that for a series of years prior to the institution of the *mandamus* proceedings of 1812, those rights had been denied and resisted by the common council, who assumed, and for many years successfully, the sole discretionary power of admitting whom they pleased to freedom, whether resident or non-resident, and excluding all claims to freedom as of right. This exclusion dates from about the year 1770. So early as 1762 proceedings by *quo warranto* were instituted against freemen admitted by grace especial in that year, and in 1796 a non-resident freeman was ousted on *quo warranto*, as recited in the section of the 4 Geo. IV. c. 126, already referred to; but no attempt appears to have been made to enforce the ancient right to freedom until the year 1812, when the *mandamus* proceedings were commenced, in one of which the verdict we have stated was found. These proceedings were instituted by a body of the inhabitants of Limerick, styled the Independents, and strenuously resisted in every stage by the common council, at an enormous expense to both parties, until the struggle finally terminated in the resolutions of the committees of the House of Commons, and the enactments of the 4 Geo. IV. c. 126.

Suits respecting the Rights to Freedom.

59. The Admissions of freemen are made by the common council subject to the approval of the Freeman's Court, or Court of D'Oyer Hundred; and it is provided by the 18th section of the 4 Geo. IV. c. 126, "in order to provide against any delay in the admission of persons claiming the freedom of the city," that at each and every quarterly meeting of the Courts of Common Council and D'Oyer Hundred, under and by virtue of that Act to be holden, the petitions of the several persons claiming the freedom of the city, shall be in the first place taken into consideration; and where the prayer of the said petitions, or any of them is refused, a statement in writing of the reasons whereon such refusal was grounded, particularly setting forth the objections to each part of the proofs adduced in support of such petition, shall be furnished by the mayor on behalf of the Court of Common Council, or by the common speaker on behalf of the Court of D'Oyer Hundred, to the person whose petition shall have been refused.

Mode of Admission.

CITY OF LIMERICK.

Committee of Claims.

60. It appears from the entries in the corporation books, already alluded to, that before the period we have mentioned, of resistance of the council to the Claims of freedom, as of right, and at the time when those claims were fully recognised, the duty of considering the applications of individuals to be admitted in respect of them was generally delegated by the common council to a Committee; and on the restoration of those rights, as above detailed, the council resumed this arrangement by appointing a select committee to investigate and report to the common council on the titles of those applying for admission.

This is a permanent committee, consisting of the mayor, recorder, four charter justices, and some other members of the council, (the number is not defined;) of whom three form a quorum.

In practice, the recorder is almost always present. He acts as the legal adviser of the committee and takes a principal part in the proceedings; and the committee adjourns to insure his attendance.

The course of proceeding on an application for freedom is as follows: The claimant prefers to the common council a petition stating his right, which is lodged with the mayor and by him submitted to the council; that body at its next meeting refers it to the committee of claims, instead of taking it into their own consideration, as seems required by the 4 Geo. IV. c. 126, sec. 18. The order of reference to the committee is entered on the minutes by the council, and submitted to the Court of D'Oyer Hundred on the following day. The committee receive on oath the evidence offered in support of the petition, and report their opinion, with the evidence, to the next council, by whom the claimant is admitted or rejected accordingly; and the resolution of admission or rejection by the council, is submitted, with all other acts, to the approval of the Court of D'Oyer Hundred. The evidence taken before the committee of claims is not submitted to the latter court, which is therefore uninformed as to the grounds of admission or rejection.

The stated times of meeting of the committee of claims, are the days after the meetings of the Court of D'Oyer Hundred, which, under the 4 Geo. IV. c. 126, s. 2, are held on the days next immediately succeeding those fixed by that Act for the regular quarterly meetings of the Court of Common Council.

Evidence required.

61. Great and, it appears to us, extraordinary strictness is required by the committee of claims as to the degree of Evidence necessary to sustain the petitions referred to them. The first step in the claimant's proof is, of course, to show that the person through whom, either as eldest son, son-in-law, or apprentice, he derives his title, was a freeman of the city. Shortly after the passing of the 4 Geo. IV. c. 126, and the appointment of the committee of claims, a case, at the suggestion of the recorder, was laid before the present attorney-general of Ireland for the guidance of the council as to the evidence which ought to be deemed sufficient of the titles to freedom; and they were advised, among other matters, that the finding the name of the person alleged to have been a freeman on the corporation books, was sufficient evidence of the claimant's title under him. This opinion, however, is not followed by the committee, who, under the advice of the recorder, act on a different principle, requiring that not only should the name of the person alleged to be a freeman appear on the books, but that actual proof should be given of his having been sworn in as a freeman. This is not always practicable, and the principle is carried so far, that proof of the individual in question having enjoyed the privileges of a freeman in exemption from the tolls, or even of his having served the office of sheriff, is not deemed sufficient to supply the want of actual evidence of his having been sworn as a freeman. Such cases have, in two instances, been made the subject of special reports by the committee to the council, by whom the claimants were admitted. The books prior to the year 1812 do not notice the fact of the freemen having been sworn, so that the difficulty created by the strictness of proof required in this respect by the committee, applies almost to every case brought before them.

Having established that the person under whom he claims was a freeman, and sworn as such, the claimant, by right of birth or marriage, has next to prove his relationship. Here, again, the committee require strict legal proof of the facts necessary to complete the title and show the identity of the parties. At one time reputation of the marriage of the ancestor was not deemed sufficient, and the evidence of persons actually present at the ceremony was required; but this extreme strictness has latterly been abandoned.

In the case of claimants for admission in right of service, the recorder states that he considers it necessary, under a bye-law of the corporation, which was passed prior to 1680, that the indentures of apprenticeship should have been enrolled within six months; and the committee of claims is stated to require proof of this enrolment, which in most cases is impracticable.

It appears singular, that notwithstanding the strictness of the committee of claims on the above points, they should, under the 11th section of the 4 Geo. IV. c. 126, report persons entitled to the freedom as of right, not resident within the county of the city. The recorder stated to us, that when a party came before the committee claiming as of right, he thought it was not open to them to question the fact of residence or non-residence, and he explained the practice of the committee, as being founded on the legal position that a freeman is not admitted until sworn, and the inference that the time of admission mentioned in the Act was that of swearing in.

From the arrangement of the times of sitting of the committee, as already stated, a period of more than three months must elapse before the petition of a person applying for his freedom can be finally adjudicated upon by the council and Court of D'Oyer Hundred, and in the case of a party whose title to freedom may have accrued recently after one of the quarterly meetings of the council, the delay in his admission must be nearly six months. The meetings of the committee are not held with regularity, and it was stated to us that difficulties had been found in getting together a sufficient number of the committee to form a quorum.

CITY OF LIMERICK.

The delays thus interposed and the strictness of the investigation by the committee of claims are the subject of complaint and dissatisfaction among the inhabitants, especially those opposed to the corporation. However the common speaker, who from his situation is peculiarly bound to watch over the interests of the freemen, states that he never heard of any complaints of delays or improper decisions as to the admission of freemen by the committee; that he had found its proceedings, when he attended, perfectly regular, and that no complaints had ever been made to him by an applicant for freedom who had been rejected; and it is remarkable that no rejected applicant has required a statement of the reason of his rejection from the mayor or common speaker.

The existence of some such body seems better adapted than either the council or Court of D'Oyer Hundred to the preliminary investigation of claims involving, at times, questions of fact and of law; but the confining it, as at present, exclusively to members of the council, a body which had so long struggled against all admissions to freedom as of right, must naturally create a strong prejudice against its decisions in the general body of the freemen and inhabitants; and there seems no valid reason against the making a regulation by the council and D'Oyer Hundred, that the petitions of the applicants for freedom should, on being lodged with the mayor, be at once sent by him before the committee, so as to have their report on the subject made to the next council after the presentation of the petition.

Numbers admitted since 1823.

62. The unfavourable impressions as to the proceedings of the committee must be strengthened by the fact, that of the applicants for freedom since the passing of the Regulation Act, only 89, being not one-third, have been admitted.

The numbers who claimed their freedom since 1st September 1823, as of right, are	285
Of these there were admitted	89
Rejected from insufficient evidence	47
Did not appear before the committee	149
The numbers of honorary freemen admitted since 1st September 1823, are	36

Fees.

63. The Fees payable on admission are,

	s.	*d.*
To the mayor, for affixing the city seal	10	6
To the town clerk	10	6
To the deputy town clerk	2	6

To these fees must be added the stamp duty, which on admissions of right is £1
By grace especial £3

Oaths of Freemen.

64. The Freeman's Oath is prescribed by the 4 Geo. IV. c. 126, schedule E., and is "that he will be true and faithful to the King, his heirs and successors, and to the utmost of his power aid and assist the mayor, sheriffs and citizens, and to them be obedient and attendant concerning such things as they shall lawfully and reasonably require him to do, that he will also well and truly observe, perform, fulfil and keep all such orders and rules as have been or shall be made and established by lawful authority for the good government of the city, and in all matters and things relating to his duty as a freeman will not refuse or delay any man his right, or sanction any expenditure of tolls and customs of the city corporation, save for the public uses of the city, and will not by colour of his freedom directly or indirectly, or by equivocation or mental reservation, cover or bear out any foreigners or strangers, goods or merchandise, but will, according to the best of his skill and knowledge, wit, cunning and power, uphold and maintain all the liberties, franchises and customs, lawful orders and usages of the city and corporation."

And, by the eighth section of the same Act, if any freeman shall be so required by any other two freemen, he shall at any time when he claims to exercise his franchise by voting at the Court of D'Oyer Hundred, take and subscribe the oath set forth in schedule C. of the Act, which the mayor, sheriffs, or common speaker is and are thereby authorized to administer; and no freeman who shall refuse to take said oath shall be capable of exercising his franchise as a freeman as aforesaid, until he shall have duly taken such oath. But this oath is not to be required of freemen who had exercised the franchise six years or more before the commencement of the Act (September 1, 1833.)

This latter oath is, that he has been admitted and sworn a freeman of the corporation of the city of Limerick having been actually, and without fraud, resident at , in the county of the said city, at the time of his admission to the freedom of the city, and is of the age of 21 years.

Freemen, few in number.

65. The Number of Freemen is very insignificant in proportion to the extent and population of the city and liberties, and although the non-residents have been disqualified, and the power of nomination of freemen by grace especial by the council, is counteracted to some extent by the establishment of the several titles to freedom, and controlled by the necessity of residence as a qualification in those now admitted, yet, practically speaking, the freemen, as a class of the corporation, have, from the paucity of their number, gained but little in importance by the effect of the proceedings we have noticed, or by the operation of the 4 Geo. IV. c. 126. Independent of political considerations, the exemption of freemen from the tolls, which it will be seen are the most important branch of the corporate revenues, must operate in confirming the council in the propriety of strict regulations as to the evidence to be given by the applicant for freedom. It is also to be considered that, as, during the long period in which the rights to freedom were not acknowledged, few residents were admitted by the council, the numbers entitled as of right are far short of those who would, under other

CITY OF LIMERICK.

circumstances, be admissible. Many of the merchants and respectable traders are excluded, while individuals of far inferior station, and some serving in the minor offices of the corporation, such as serjeants at mace and petty constables, are free. In the year 1813, before the Regulation Act was passed, the freedom was voted by the council to a considerable number of the staff of the city of Limerick militia, of which Lord Gort was colonel, and the members of this body being resident, retain and exercise the privileges of freemen. They, with the inferior officers, who may be free, generally support the common council. The freemen are, however, stated by the common speaker, who, from his office, must be acquainted with them, to consist generally of the better class, and he added that he did not know one who was not a householder, or did not hold part of a house, nor one who was merely a room-keeper. The effects of the smallness of the number of freemen, or their power as a class, will be best understood in the succeeding part of this Report on the Court of D'Oyer Hundred.

There is not any express exclusion of freemen on religious grounds, and a few Roman Catholic freemen were admitted even before the Emancipation Act, but the political tendencies of the corporate interests have produced a practical exclusion of them, not only from the corporate offices, but from being admitted in any number deserving notice.

Select Body. Functions of.

66. The common council for many years prior to the Regulation Act exercised an exclusive and uncontrolled dominion over all the affairs of the corporation. Their Functions in the election and admission of officers and freemen are already detailed. They also make bye-laws and dispose of all corporate funds and property, and every corporate act must, in the first instance, emanate from their body.

The exercise of these various functions, with the exception of the election of officers, is now, however, to a certain extent, placed by the Limerick Regulation Act, as it was in the early periods of the constitution, under the control of the body of freemen assembled in the Court of D'Oyer Hundred, whose approbation, with the above exception, is now necessary to give validity to the acts of the common council. This exclusive power of electing officers was first given to the council by the "New Rules," and was confirmed by the Regulation Act.

Meetings of Select Body.

67. Four regular Quarterly Meetings of the common council must, by the Limerick Regulation Act, s. 1, be held on four stated days in each year, viz. on the first Monday after the 24th June, the second Monday after the 29th September, and the first Monday in each of the months of January and April; besides which, extraordinary meetings are occasionally held on the requisition of the mayor.

Notices of.

68. Printed Notices of the meetings of the council, whether ordinary or extraordinary, are served on each member residing at Limerick, or in its vicinity. The notice does not specify the object of the meeting, nor is proof of the service required.

69. A bye-law of 1676 directed that the mayor, and 12 members at the least, should be necessary to form a council; and another bye-law requires that 16 of the attending members should sign the book of proceedings. It is considered now that 16 should attend to constitute a council, of whom the mayor and one of the sheriffs must be two. The numbers attending are usually about 20.

The mayor presides. Voting, should a division take place, is open, not by ballot, and the mayor has, in cases of equality, a casting voice.

The names of the attending members, and the proceedings at the meetings are entered by the town clerk in the common council book.

By the 18th section of the Limerick Regulation Act, the petition of persons claiming the freedom of the city must first be taken into consideration by the council at the four prescribed quarterly meetings, but with this restriction it is open to any member to propose a resolution, and if seconded it must be put from the chair. After disposing of the claims of freemen in the manner adverted to under the head of Committee of Claims, the council usually proceeds to the election of officers, and then to any ordinary business.

The meetings of the council are private, but the oath of secrecy formerly taken by its members was abolished by the Regulation Act.

Besides the Committee of Claims already noticed, there is a permanent committee consisting of members of the council for inspecting and examining accounts.

Court of D'Oyer Hundred.

70. All corporate acts, except the election of officers, must, as already stated, be now approved of and confirmed by the freemen at large, assembled in the Court of D'Oyer Hundred. The origin of this court is not traceable in the charters, but it is of very ancient institution. It had fallen almost totally into disuse about 70 years previous to the passing of the Limerick Regulation Act in 1823, by which it was again re-established. It consists of the whole body of freemen, and meets on the day next following each of the four stated quarterly meetings of the common council, and after any extraordinary meeting of the common council an extraordinary meeting of the Court of D'Oyer Hundred must be convened by the common speaker, not sooner than seven days or more than 14 days after his receipt from the mayor of a certified minute of the proceedings agreed to by the common council at such meeting, and he must before any such extraordinary meeting of the Court of D'Oyer Hundred, give at least six days' notice of it in writing, containing a copy of the certified minute.

The common speaker presides at the meetings of the court, but in case of his absence at 12 o'clock of the day of meeting, the senior freeman present is, by the Regulation Act, s. 7, authorized to preside.

A certified minute of the proceedings of the common council on the preceding day, prepared by the town clerk, and signed by the mayor, is, under the provisions of the first section of the Regulation Act, to be transmitted to the common speaker by the mayor immediately after the breaking up of each meeting of the council, and the common speaker is, by the second section, directed to lay these minutes before the Court of D'Oyer Hundred

for approval and confirmation. The Court of D'Oyer Hundred is directed to proceed forthwith to take the same into their immediate consideration, and the common speaker is to certify by minute under his hand, their decision, whether negative or affirmative, without delay to the mayor, to be by him laid before the common council.

The chamberlain of the corporation is by the 20th section bound 14 days, at least, before the commission day of each assizes, to lodge with the town clerk an account of his receipts and payments, with an affidavit verifying the truth of it, and to deliver a copy of this account and affidavit to the common speaker, which account shall be examined by the Court of D'Oyer Hundred, by committee or otherwise, as they shall think meet.

It is provided by the third section of the 4 Geo. IV. c. 126, that no person not being free of the city shall have any right to vote or interfere at any meeting of the Court of D'Oyer Hundred.

By the third of the "New Rules" for Limerick, no matter or thing in anywise relating to the affairs of the city can be propounded or debated in any dear hundred or general assembly of the city, until the same shall have first passed the common council of the city, and the persons offending against that rule shall be disqualified by the mayor and common council.

Observations on the Constitution.

71. Such is the Constitution as now regulated by this important statute, to which we have so often alluded; but its enactments, though well designed to effect the purposes contemplated by the legislature, have hitherto succeeded but partially in giving a popular character to the corporation. The causes of this are chiefly to be found in the constitution and proceedings of the common council.

The common council has long exhibited the defects which almost necessarily attend the system of self-election.

The condition and conduct of this body appear to have attracted public attention in the year 1761, when they were made the subject of investigation before a committee of the Irish House of Commons. That committee, after an examination of several witnesses, made a report to the House which concludes with a series of resolutions, 31 in number, many of which convey strong censure on individual members of the council, and state various abuses and grievances as theretofore prevailing. Those which refer to the general proceedings of the common council, are the following:

"That it appears to the committee from the books and accounts of the said corporation, that the mayor and common council of the city have, for several years past, taken upon themselves to dispose of the whole revenues of the said corporation, and the greatest part thereof amongst a few members of the said council, without the approbation of the Court of D'Oyer Hundred.

"That the mayor and common council of the city, had taken upon them to demise the greatest part of the estates of the said corporation to some members of the common council for 999 years, and to other members of the said council for ever, for trifling rents.

"That it appeared to the committee, from the books and accounts of the corporation, that the mayor and common council of the said city had, for several years past, misapplied and wasted the greater part of the revenues of the city.

"That it appeared to the committee that the mayor and council had taken upon them to make a lease for ever, at a trifling rent, to Alderman Arthur Roche, of the greatest part of the hospital lands, which were before constantly enjoyed by the corporation for the use of the poor.

"That it appeared to the committee that the said Arthur Roche had acquired so great an influence and power in the common council, that no person could be admitted a freeman, or common councilman, or magistrate, but through his interest; and that he prevented some gentlemen, who had served the office of sheriff in the city, and against whom he admitted there was no objection, from being admitted common councilmen, though having served such office was the usual recommendation to that board.

"That it was the opinion of the committee, that the interposition of Parliament was absolutely necessary for redressing the said several grievances and abuses, and for preventing the like for the future."

This report and the resolutions were printed in the Journals of the House, and ordered by the British House of Commons to be reprinted in 1820.

By a letter from the Lord Lieutenant and Privy Council of Ireland to the Earl of Egremont, his Majesty's principal Secretary of State, dated 13th March 1762, and printed in the Appendix B. to the Report of the Select Committee on Limerick Taxation, in 1822, No. 18, it appears that in consequence of this Report, and after an ineffectual opposition before the Privy Council on behalf of the corporation, a Bill was prepared and transmitted to England, entitled, "An Act for the better regulating the Corporation of the City of Limerick, and for redressing the several Grievances and Oppressions, under which the Citizens and Inhabitants of the same City labour," and which the Lord Lieutenant and Privy Council recommended as a proper and reasonable Bill to be passed into a law. No further progress, however, was made in this Bill; but the influence of Alderman Arthur Roche, so much animadverted on by the committee, appears thenceforward to have declined or yielded to the more powerful interests of the families of Pery and Smyth, the ancestors of the Earl of Limerick and Lord Viscount Gort. A predominant influence in the common council finally became established in the latter of these families. John Prendergast Smyth, afterwards Lord Gort, was appointed to the important office of chamberlain of the corporation, which he held for many years previous to his death in 1817, when he was succeeded in it by the present Lord Gort, who held the office until 1823. The extent of the influence successively possessed by these noblemen in the common council, is shown in the evidence given before the committee of the House of Commons on Limerick taxation, in 1822, from which it appears that all admissions to freedom, and appointments to the corporate offices were generally made on their proposition and nomi-

CITY OF LIMERICK.

nation, which were acceded to, apparently as a matter of course, by the common council, without discussion. We have not found that any material diminution of Lord Gort's influence in the common council has since taken place; it is exercised in recommending individuals to corporate offices, and the members of the council examined before us admitted its extent, while they justified or excused it on public grounds of attachment to his lordship, and the confidence of the council in his experience and judgment.

Ten of the 68 members of the council are members or connexions of his lordship's family; the mayor of the last two years was his eldest son, the mayor of the present year (1834) is his nephew; and of the two principal permanent offices of emolument in the corporation, those of the weighmaster and water bailiff, the former is held by his brother and the latter by his eldest son.

Without questioning the grounds of confidence and attachment on which his lordship's influence in the common council is based, it is obvious that such a principle of action in a municipal body, is not that naturally calculated to insure public confidence, or effect the primary objects of its institution. Nor is the constitution of the common council, in other respects, adapted to the situation in which it is placed as the governing body of the corporation. The members individually are gentlemen of station and respectability, and many of them possess large properties in the city and liberties, but of the whole number only two are in any way connected with business, and it must tend to excite a strong feeling of dissatisfaction with the principles on which the selection of burgesses has hitherto been made, that in a wealthy trading community, nine-tenths of whom are Roman Catholic, it happens that there is not a member of the chamber of commerce, a respectable merchant, or a Roman Catholic in the council, or filling any office of the corporation. There is one Protestant dissenter a member of the common council.

The practice condemned by the committee of 1762, of the council having taken upon themselves to demise the greatest part of the corporate estates to some members of the common council for 999 years, and to other members for ever, at trifling rents, was not abandoned by the common council; but the numerous demises previously made, left but little to be disposed of in later years. The leases made prior and subsequent to 1762 will be hereafter noticed in detail.

The approbation of the Court of D'Oyer Hundred continued to be disregarded in the disposal of the revenues, until the re-establishment of that court in 1823; but there does not seem any foundation for supposing that the common council have, at any time, since 1762, disposed of part of the revenues amongst any members of their body, as appears to have been found by the committee of the Irish House of Commons in that year, with reference to the then existing council. However, though not devoted to purposes of individual advantage, the revenues of the corporation appear, for a long period, to have been disposed of without much regard to economy or regularity of expenditure, or any efficient system of accounting; and were latterly applied, to a large amount, in defraying the heavy costs incurred by the common council, in its litigation with those who claimed to re-establish their rights to the freedom of the city; and in defence of the exclusive powers of the common council on the various occasions on which the rights of election and the constitution of the corporation became the subject of investigation before committees of the House of Commons. A considerable debt was further incurred by the common council in these proceedings.

72. The restoration of the Court of D'Oyer Hundred was calculated, and naturally expected to afford an effectual check to the proceedings of the common council, and to restore the corporation to its former more popular constitution; and accordingly apprehension seems to have been early felt by the council, of the resistance of this Court, and was exemplified in its proceedings immediately previous to the day on which the 4 Geo. IV. c. 126, came into operation.

On the 29th August 1823, two days before the Act was to commence, a special meeting of the council was held, at which, after a report of the committee of accounts, stating various sums due for salaries to the officers of the corporation and a balance due to the chamberlain, (Lord Gort,) and other sums to be paid to alderman Watson, (one of the committee,) for advertising, printing, &c. &c., recommending, on the opinion of counsel, that bonds should be passed for those debts, (which was afterwards carried into effect,) the common council proceeded to pass a vote of thanks to the chamberlain for his zeal in defending the rights of the corporation; and resolved that they considered the several sums expended for that purpose to be a perfect legitimate use of so much of their revenues, and in pursuance of the directions and authority given by them to him. They then passed resolutions for payment of the costs attending the appeal committee, and the expense attendant on the resistance to the Regulation Bill, and voted a sum of 200 guineas for a portrait of Lord Gort. On the same day 19 new burgesses were elected, namely, the two sheriffs, eight sons of aldermen and burgesses, the Lord Bishop of Limerick, a clergyman, the port surveyor, and surveyor general of Excise, the surgeon and assistant surgeon of the Limerick city militia, and three gentlemen of the name of Vereker, the present Lord Gort's family name. A lease for ever of Scattery Island was, on the same day, ordered to be made to Sir Christopher Marrett, a burgess and one of the committee of accounts.

However, the council has succeeded in still preserving, almost undiminished, its power and control over the corporate affairs. From the very limited number of freemen, who have as yet established their rights to admission, under the strict legal process required before the committee of claims, and by the power of admission by grace especial, the council is enabled to command a majority in the Court of D'Oyer Hundred.

73. The members of the common council, including the mayor, claim and exercise, as it appears they formerly did, the right as freemen, of attending and voting at the Court of D'Oyer

Hundred; thus, in fact, coming forward to sanction their own previous acts as common councilmen; and although it is stated, as we have above noticed, that some of the burgesses are not freemen, we do not find that they, on this account, abstain from attending the Court of D'Oyer Hundred, notwithstanding the third section of the Regulation Act, which expressly prohibits any but freemen from interfering in that Court. In addition to their own members, and such of the more independent freemen as support them, the common council receives in the Court of D'Oyer Hundred the aid of such of the inferior officers of the corporation as are freemen; and, with few exceptions, of the freemen who do or did belong to the Limerick militia.

On a division which took place in the Court of D'Oyer Hundred during our visit to Limerick, the members were, in support of the council, 48, and against it, 39. Nine of the council voted in, and, in fact, made the majority; and about 16 others of the majority were officers under the corporation, and persons who were on the staff of the Limerick militia, or had been in that regiment. Some individuals of the common council do not attend the Court of D'Oyer Hundred, considering the attendance of the members of the council objectionable. No act of the common council has been negatived by the Court of D'Oyer Hundred since its restoration; and the feeling of the inefficiency of that court, as now constituted, to control the common council, appears to have impressed several of the freemen with the inutility of attending it. The common speaker, the chief officer and president of the Court of D'Oyer Hundred, has been made a member of the common council, and voted an annual salary by that body. This was first given, as for his costs and expenses in supplying stationery, &c. and for payment of a clerk employed by him at the sittings of the court. In the account of a subsequent year, there is a charge for stationery supplied to the Court of D'Oyer Hundred, but latterly the same sum, £73 16*s.* 11*d.*, is paid as a regular salary on the annual vote of the council, and may be withheld or granted at their pleasure.

74. The arrangements of the times of meeting of the Court of D'Oyer Hundred are not calculated to give its members much opportunity of considering the acts of the common council; and, in fact, they know nothing of these acts until they are brought before them on the days of meeting, and, in some cases, the resolutions of the common council are submitted to them without any communication of the documents on which they are founded.

It is not surprising, under all these circumstances, that the corporation should still remain unpopular with a large and important portion of the community; and that the impression should still prevail, as we found it to do, with many of the inhabitants, that the corporation affairs were managed rather with a view to the interests of a particular family, and the maintenance of exclusive political power in the common council, than to the advancement of objects of public utility or the common benefit of all classes of the citizens.

75. The Mayor is a justice of the peace within the county of the city of Limerick, and acts as such, both at petty and quarter sessions. Mayor, Functions of.

He is *ex officio* a magistrate of the county of Limerick, and it has been suggested as desirable that his jurisdiction should, in this respect, be extended to the counties of Clare, Cork, and Tipperary, which, with the county of Limerick, surround the liberties.

He is admiral of the Shannon, and has, under the charter of James I., with the recorder and aldermen, very extensive magisterial and judicial powers connected with the exclusive admiralty jurisdiction given by that charter; and the mayor is thereby empowered to constitute commissioners, assistants, registers, and other officers of the Court of Admiralty, a court which, however, seems to have fallen into total disuse. The mayor has, in a late instance, exercised jurisdiction as admiral with advantage, by seizing a vessel bound to the Gold Coast, which was brought into the Shannon by the sailors in a state of mutiny. He also considers himself entitled, under the admiralty jurisdiction, to enforce the process of the Court of Conscience on board vessels in the river.

The mayor is sole judge of the Mayor's Court or Court of Conscience, and is chief judge of the Tholsel Court.

He is named first in the commission with the judges at the assizes for the county of the city.

He is coroner throughout the county of the city of Limerick and the parts of the Shannon comprised in the admiralty jurisdiction.

He is clerk of the markets, and occasionally accompanies the market juries, sworn under the Market Jury Act.

He superintends the expenditure of corporation money, on repairs of bridges or corporate buildings.

He is a trustee of Hall's Charity, president of the Board of Superintendence of the City Gaol, governor of the House of Industry and County Infirmary, and a trustee of the savings' bank.

He presides at all meetings of the common council, where he has a casting voice in case of divisions, and he directs the summoning of the council on extraordinary occasions.

76. He appoints a clerk, the four serjeants at mace, town crier, swordbearer, constables and ranger of the exchange, and he nominates to all vacancies which take place during his year of office in the widows' almshouse. Patronage of.

He appears to have formerly had the privilege, now no longer exercised, of nominating two freemen during his year of office.

77. The Salary of the mayor paid by the corporation, as regulated by the 4 Geo. IV. c. 126, is £500 late Irish currency per annum, recently raised by an act of the council and D'Oyer Hundred, with the salaries of the other corporate officers, to British currency. Salary and Emoluments of.

The mayor has, also, as coroner, a sum of 80 guineas per annum, presented by the grand jury of the county of the city, if the number of inquests held amounts to 16 in the year, if less than 16 he is only paid at the rate of five guineas for each inquest. Eighty guineas is

CITY OF LIMERICK.

the maximum allowance, however numerous the inquests; and in the years 1832 and 1833, they have been 20 and 26 in number. These fees are as regulated by the statute 1 Geo. IV. c. 23, s. 2, 5, but it is doubtful whether the utmost limit of remuneration should not be reduced to 60 guineas, under the 4 Geo. IV. c. 43, s. 8, and 5 Geo. IV. c. 93, s. 3.

The mayor receives one quarter of a ton of coals and 6 cwt. of salt out of each coal and salt vessel coming into the port, estimated as worth about £45 per annum, and one salmon each week during the season, from the corporation salmon weirs.

He is said to be entitled to oysters from each boat coming to the quay; this perquisite is very seldom received. It is probably derived from the grant of Inniscattery, hereafter stated. He has some trifling fees, not amounting to £1 a-year, on signing judgments and on affidavits in the Tholsel Court, and is entitled to a fee of 10*s.* 6*d.* for affixing the corporation seal to dockets of freedom and other documents requiring it.

There is not at present, nor has there been for several years, any mayoralty house; there was one formerly which fell into decay, and was disposed of by the corporation.

The salary and incidental emoluments of the office may be thus estimated at about £600 per annum, a sum which cannot be considered as more than an adequate remuneration for the performance of the various weighty and responsible duties of chief magistrate of a district, containing a population of near 70,000 persons. The mayor does not incur any peculiar expenses during his year of office.

The office is sought after and filled by persons of station and respectability, by whom the duties are performed in person with attention and zeal.

Sheriffs, Functions of.

78. The ordinary Functions of the Sheriffs are similar to those of such officers in counties at large. They are by the charter of James I. required to hold a County Court from month to month. This court has fallen into disuse. A court called a Sheriff's Court is sometimes held by the acting sheriff, in which sums under 5*s.* are adjudicated upon in a summary way, as hereafter detailed. The sheriffs, with the mayor, are judges of the Tholsel Court, and one must always attend its sittings. They are, *ex officio*, members of the common council during their year of office, and the presence of one of them is necessary to constitute a legal meeting. They are the returning officers at elections for Members of Parliament for the county of the city. They act together, and equally divide the fees of office. They do not appoint a sub-sheriff, but employ a clerk as an assistant in the office in Limerick, and a returning officer for transacting the official business in Dublin; to the latter, who is an attorney of the superior courts, they pay a salary of £40 a-year, in consideration of which he charges them only the costs out of pocket of any business done by him for them in the superior courts connected with the office. The clerk is remunerated by fees on bail bonds, which the parties concerned generally employ him to prepare, and by fees as replevin clerk. The fees on bail bonds to the clerk are stated not to amount to more than £20 per annum. The fee is 10*s.* 6*d.* in each case.

The sheriffs empannel and return the grand juries at quarter sessions and assizes for the county of the city and market juries. The return of grand juries at the assizes is the most important branch of their functions, and will be hereafter noticed more at length.

Salary and Emoluments.

79. The sheriffs receive a Salary from the corporation under the 4 Geo. IV. c. 126, of £75 a-year each. They are also allowed annually by the corporation £20 for the rent of an office, and £50 for clothing the bailiffs. They also receive, by presentment, from the city grand jury £12 of the late currency at each assizes in lieu of fees. They receive the statutable fees on mesne process and writs of execution from the superior courts; these fees are uncertain in amount, and were stated to us, by the sheriffs of 1833, not to exceed £200 a-year to each sheriff.

The sheriffs are bound to provide a suitable equipage for the judges at the assizes. They pay the salary of their returning officer, as already mentioned, provide stationery and other incidental expenses in their office, and defray the expenses of passing their accounts in the Court of Exchequer; his last charge varies from £15 to £20; it was formerly paid by the corporation.

From these deductions the actual income of the office cannot be very considerable, and the situation was described to us as one more of honour than emolument.

Privileges and Patronage of.

80. On the expiration of their year of office, the sheriffs are generally, but not uniformly, elected burgesses; and this is in fact the only instance we have found of an approximation to any settled or definite principle in the election of burgesses.

By an entry in the corporation books of 26th June 1749, it appears to have been then considered by some, that ex-sheriffs were, by right, members of the common council; but the council decided against the right by a large majority (29 to 12.)

The sheriffs have the appointment of the keeper of that portion of the city gaol where debtors are confined, called the Sheriff's Prison; and they also, subject in some measure to the approbation and occurrence of the Board of Superintendence, appoint to the office of gaoler. In fact, though nominally distinct, the offices of gaoler and keeper of the Sheriff's Prison are always held by the same person, and the same building contains all the classes of prisoners confined on civil or criminal process in the county of the city.

Aldermen, Functions and Privileges.

81. The Aldermen have few peculiar Functions: the four charter justices are selected from amongst them, and they are entitled, as already noticed in our account of the functions of the mayor, to form a part of the Admiralty Court; a privilege now apparently obsolete from the long discontinuance of that court.

The functions of the aldermen, as members of the common council, and otherwise in the election of officers, we have already detailed.

The aldermen have not, as such, individually, any emoluments or personal privileges. An alderman's widow is entitled, by ancient usage, to an annuity from the corporation revenues of

£8 of the late currency per annum for her life, in case of her husband dying in distressed circumstances, but not otherwise. The office is, in other respects, merely honorary.

82. A Burgess on being sworn into office becomes a member of the common council or governing body of the corporation. This does not appear to have been the case in former times; for the entries in the earlier corporation books frequently run thus: A. B., burgess, was elected a member of the common council.

Burgesses, Functions and Privileges of.

The burgesses have not any salary or any incidental emoluments, except exemptions from tolls, and the petty privilege of receiving a salmon once a-year from the corporation salmon weirs.

Widows of burgesses who have died in distressed circumstances, are entitled to annuities of £5 late Irish currency, out of the corporation funds.

A privilege appears to have been claimed in 1672, by one of the Pery family, to be admitted a member of the common council, "in like manner as his predecessors, in right of "St. Mary's House, enjoyed such privilege as a mayor's peer." This may have been as representing the lords abbots of the monastery of St. Mary's whose possessions were granted to the Sexton family by Henry VIII. and came by marriage to the Perys.

The claim was referred to the recorder. A claim was afterwards made by the same person to have two votes in the council, but disallowed.

83. The following is a list of the members of the common council at the time of our visit in October 1833, distinguishing those resident within the city or liberties, and those not sworn. The number of non-residents is 19. The figures attached to each name show the number of attendances of such of them as have, at any time, attended during the 43 meetings of the common council, held from July 1822 to October 1833.

Honourable J. P. Vereker, mayor and water bailiff, resident	9
Sheriffs.	
Richard Franklin, resident	27
George Sexton, (not then a burgess,) resident	0
Recorder.	
Carew Smyth, non-resident	11
Aldermen.	
D. F. G. Mahony, chamberlain and charter justice, resident	40
Henry Watson, charter justice, resident	37
John Crips, charter justice, resident	22
Thomas Jervis, charter justice, resident	21
Philip Smith, resident	1
Lord Gort, non-resident, but has property in Limerick	34
Joseph Crips, non-resident, but has property in Limerick	1
Arthur Vincent, non-resident, but has property in Limerick	12
Francis Lloyd, resident	7
Edmond Morony, resident	33
John Vereker, weighmaster, resident	37
Joseph Gabbett, resident	23
Nicholas Mahon, resident	15
Vere Hunt, resident	14
Henry Rose, resident	23
Burgesses.	
Lord Guillamore, non-resident	0
George Maunsel, resident	1
John Westropp, resident	4
Edward Morony, jun., hide cranemaster, non-resident	16
James O'Grady, resident	12
Bryan McMahon, non-resident	19
George Gough, non-resident, but has property in Limerick	0
Henry Browne, non-resident, but has property in Limerick	0
Honourable George Massey, non-resident, but has property in Limerick	0
W. C. Purdon, non-resident, but has property in Limerick	0
Thomas Grady, non-resident	4
Arthur Brereton, non-resident	0
Edward Parker, town clerk, resident	36
Captain John Vereker, resident	2
Daniel Gabbett, resident	2
John Wallace, resident	21
Major Gough, non-resident, but has property in Limerick	0
Joseph Sargent, non-resident, but has property in Limerick	3
William Gibson, resident	26
John S. T. Piercy, resident	31
Ralph Evans, resident	8
Garrett H. Fitzgerald, resident, treasurer of the grand jury	26
Andrew James Watson, resident	31
Bishop of Limerick, resident (*since deceased*)	0
John Wilkinson, resident	16

CITY OF LIMERICK.

Amor Vereker, resident	17
George Lloyd, resident	12
Ralph Westropp, resident	7
Rev. James Crampton, resident	3
John Vereker, jun. resident	10
Rev. W. Waller, non-resident	2
Colonel O'Grady, M. P., non-resident	6
James E. D'Estem, non-resident	11
Robert George Maunsel, resident	0
John B. Westropp, resident	12
William Hunt, resident	10
W. M. Piercy, resident	21
John Standish, non-resident	4
William Furlong, law agent, non-resident	1
Henry Vereker, resident,	6
Henry Mahon, resident	6
Ralph W. Brereton, resident	2
Thomas G. Coppinger, resident	0
Eyre Smyth, resident	0

Burgesses elected and not sworn in.

Rev. John Palliser, non-resident.
Colonel Palliser, non-resident.
Major General Sir A. Fitzgerald, non-resident.
John Ferrier Hamilton, non-resident.
Colonel Thomas White, non-resident.
Bishop of Limerick, non-resident.

Recorder, Functions of.

84. The Recorder by the charter of James I. is a justice of the peace for the county of the city of Limerick, and sits as such at the city quarter sessions, where, under the 21 and 22 Geo. III. c. 42, and 39 Geo. III. c. 55, no trial can be proceeded on except in the presence of this officer, or his deputy, being a barrister of not less than six years' standing.

The present recorder does not sit at petty sessions, or take informations as a magistrate, stating his opinion to be, that the person who makes the preliminary investigation of the case should not be the person afterwards to try it. This is an objection which equally applies to the attendance of all magistrates at quarter sessions.

The recorder is constituted by the charter of James I. a member of the Admiralty Court, thereby created. He is assessor of the Tholsel Court to the mayor and sheriffs.

He is the legal adviser of the corporation. He is, as already noticed, a member of the committee of claims, and acts as the legal adviser of the committee, and is, in fact, the principal member of it.

The present recorder was appointed in 1820; he is a practising barrister, almost constantly residing in Dublin, and attending the courts there, visiting Limerick only at the quarter sessions and assizes. He attends the latter as a member of the Munster circuit.

The effect of his non-residence on the business and practice of the Tholsel Court will be hereafter stated. It is a subject of complaint both with reference to the civil and criminal business of the local jurisdictions, but does not appear to have been at any time noticed by the common council.

The last recorder resided permanently in Limerick.

Salary and Emoluments.

85. The recorder's Salary from the corporation was, at the time of the appointment of the present recorder, £100 late currency, and is now £200 a-year under the 22d section of the Limerick Regulation Act, besides which he receives a fee of 5*s.* of the late currency, on the entry of each judgment in the rule book of the Tholsel Court. These fees are of very trifling annual amount.

It is evident that this salary is not sufficient to induce a barrister of the qualifications and experience required for so important a situation to become, on that account solely, a constant resident. There is not any barrister residing in Limerick and confining himself entirely to local practice. A few reside there during the vacations.

The present recorder has publicly declared that on any occasion when his attendance should be required, he would come from Dublin for the purpose, and that his appointment should not stand in the way of the election of any barrister of character who would undertake to reside in Limerick. He has not been called upon to go from Dublin for any particular case, but has occasionally remained at the request of parties a short time after quarter sessions. To meet the difficulties arising from his non-attendance at the Tholsel Court, he sometimes deputes a barrister to attend it, and sometimes advises the court on written statements sent to him to Dublin, the statements being previously agreed upon by the litigant parties, or their agents, and forwarded to him through the mayor or town clerk. He of course answers these statements without fee, the practice affording him, in fact, a convenient mode of discharging part of his duty as recorder.

The recorder has no patronage except the unimportant appointment of the crier of the court.

Charter Justices, Functions of.

86. The Charter Justices attend the petty and quarter sessions, and act generally as magistrates within the county of the city.

They have not any salary or emoluments.

CITY OF LIMERICK.

87. The Town Clerk is also clerk of the Crown and clerk of the peace for the county of the city of Limerick. He issues the summonses for all meetings of the council, attends at the meetings, and records their proceedings in the common council books. He attests all corporate acts, and signs and gives certificates of freedom, and enters copies of the chamberlain's accounts and affidavits under the Regulation Act. He is also register of the Tholsel Court, issues its processes, takes bail, attends the sittings, enters and records all proceedings, and taxes and certifies the costs. As clerk of the peace and clerk of the Crown, he attends the quarter sessions, prepares the indictments and presentments, issues summonses, attends the court, and enters and records its proceedings. He also attends the assizes for the county of the city, and performs the usual duties of the office of a clerk of the peace in respect of spirit licences and certificates, certificates and affidavits for registering trees, affidavits and certificates of registry of arms, &c. Town Clerk, Functions of.

He is bound by the 17th section of the Regulation Act, under a penalty of £200, to make out lists of the names and residences of all persons elected or admitted to the freedom of the city, or to whom the freedom shall be granted, and to sign such lists and post them on the doors of the parish churches of St. Mary, St. John, and St. Munchins, in the city, and on the doors of the Exchange and court house, within 48 hours after they shall be so elected or admitted, or the freedom shall have been so granted to them.

88. The salary of the Town Clerk, paid by the corporation, is £50 per annum; he is entitled to a fee of 10*s.* 6*d.* on the admission of each freeman for giving a docket thereof on parchment, if required by the freeman, but not otherwise. From the few admissions of late years these fees are trifling. He also has several fees as register of the Tholsel Court, which will be specified in the account of that court. The town clerk has not kept any account of the annual receipts from these fees. Town Clerk, Salary of.

As clerk of the Crown and peace for the county of the city, he receives by presentment from the city grand jury the regulated salary of £180 Irish per annum, or £166 3*s.* of the imperial currency.

He also receives the various fees attached to the offices of clerk of the Crown and clerk of the peace, of the annual amount of which no account has been kept.

His salary and emoluments from all those sources probably reach £300 per annum. The present town clerk has filled the office for 22 years. The state of his health at the time of our visit rendered him incapable of attending before us, but he had such returns furnished to us as we required.

89. The town clerk appoints a Deputy who aids him in the discharge of his various duties, but the deputy does not appear to be recognised as an officer of the corporation. He, however, claims and receives by usage the following fees: Deputy Town Clerk.

	s.	*d.*
For each seal	0	10
Attending Court of Inquiry, where property attached is claimed by a third person	5	0
Attending said trial on a writ of inquiry to assess damages by jury	2	6
On affixing the city seal	2	6
Search in relation to Crown business	2	0

90. The Chamberlain is the general receiver of the rents of the corporate properties, which he disburses in payment of salaries to the officers, and otherwise, as ordered by the common council and Court of D'Oyer Hundred. Chamberlain, Functions of.

He keeps accounts of these receipts and disbursements, and by the 20th section of the Regulation Act he is bound 14 days at least before the commission day of each assizes, to lodge with the town clerk an account signed by him, containing the particulars of his receipts and payments, and distinguishing the times of such receipts, and from whom and upon what account received, and the times of such payments, and to whom and by what orders, and to annex to this account an affidavit verifying the truth of it. He must, within the same time, deliver a copy of this account and affidavit to the common speaker.

A rental of the lands of the corporation, and of the general income and expenditure thereof, must be annexed to the account, verified in like manner. The form of affidavit is given in schedule B. to the Act. By this regulation the town clerk and common speaker have the accounts about two months before the meetings of the common council and D'Oyer Hundred.

The chamberlain attends the Court of D'Oyer Hundred with the vouchers for examination; and the same section of the Act provides that he shall not be allowed in his account any sums he shall not have actually paid and produced vouchers for, and which shall not be paid pursuant to the direction of the Court of Common Council and D'Oyer Hundred assembled, or pursuant to the directions of the Act, and in such order of time as shall be appointed for the purpose.

It is a further provision of this section that on being discharged from his office, the chamberlain shall hand over to his successor all the books, papers, and documents remaining in his hands.

The chamberlain's accounts are not now submitted to the committee of accounts of the common council.

The office of chamberlain appears to be considered as merely ministerial, and confined to the receipt and disbursements above mentioned. This officer considers himself bound to pay any sum ordered by the common council and Court of D'Oyer Hundred, and that he is not at

CITY OF LIMERICK.

liberty to exercise his judgment as to whether or not the sum so ordered is or is not within the meaning of the 24th section of the Regulation Act, which provides that after payment of the salaries of officers, no part of the residue of the public revenues of the city shall be disposed of except to the public uses and charities of the city, nor unless an order shall be previously made for such disposition of it by the mayor and common council, and approved of by the Court of D'Oyer Hundred.

Emoluments of.

91. The chamberlain is entitled, under the 22d section of the Regulation Act, to five per cent. on the net amount received by him for the use of the corporation. This, on the first appointment of the present officer in 1824, was not more than £100 or £120 per annum; it is now about £200. Except the casual advantage (which happened only within the last year) of holding a balance of corporation money in his hands, he has no incidental emoluments or privileges connected with the office.

The present chamberlain has been in office since 1826, and appears to be an intelligent, zealous, and efficient officer. His accounts are kept with regularity and accuracy, and he afforded us, on every department connected with his official duties, the fullest information which appeared to be in his power.

Common Speaker, Functions of.

92. The Common Speaker presides at the meetings of the Court of D'Oyer Hundred, and is bound to summon extraordinary meetings of that court on the occasions mentioned in our notice of it. His Functions, in reference to the receipt of the minutes of the common council and Court of D'Oyer Hundred, and the chamberlain's accounts, are already stated. He examines the accounts before the meetings of the Court of D'Oyer Hundred, by comparing them with the previous minutes.

He has not any negative on the votes of the court. He is not, *ex officio*, a member of the common council.

Salary of.

93. There is not any Salary provided for this officer by the 4 Geo. IV. c. 126, an omission which can scarcely have been accidental, as one of the main objects of the Act was to re-establish the Court of D'Oyer Hundred and office of common speaker. However, notwithstanding this, and the provision we have just noticed in our account of the office of chamberlain as to the disposition of the revenues, the common council, in the year 1825, two years after the Act was passed, came to a resolution giving the common speaker a sum of £80 Irish currency, by way of remuneration for the expenses of stationery, and the employment of a clerk, who enters the proceedings of the court. This sum has been ever since continued by an annual vote of the common council, as a salary, and sanctioned by the Court of D'Oyer Hundred. The common speaker states that it had been intended originally to make the amount £150 a-year.

The present common speaker has, since his appointment, been, as already noticed, elected a burgess by the common council.

Water Bailiff, Functions of.

94. The Functions of the Water Bailiff are of two descriptions; one relating to the condition of the river and harbour, the other to the execution of legal process. His duties as to the former are to keep the bed of the river clear of obstructions below low water mark; from that to high water mark, is considered the private property of the individuals who own the quays, and the water bailiff does not deem it part of his duty to keep that part of the river clean, except at the Long Dock and the Custom House Dock. He also keeps the quay at the Long Dock in repair.

He is stated to have, but not to exercise the power of fining vessels from which ballast may be discharged at improper places in the river; and it was formerly part of his duty to direct vessels as to the proper places of discharging ballast, but this duty is now performed by the harbour master.

In consequence of an arrangement with the chamber of commerce the water bailiff is bound to keep in repair 14 buoys placed in the channel of the Shannon, and the chains by which they are moored.

The water bailiff executes on the river the process of the Tholsel Court, upon which occasions he carries a silver oar as a badge of his authority. He conceives his jurisdiction in this respect to extend to the mouth of the Shannon. All these functions are performed by deputy.

Deputy.

95. He appoints a Deputy and under deputy; the former at a salary of £30, and the latter at a salary of £20 a-year. There are also persons employed by him at certain times of the year to take charge of the buoys in the river. The expenditure on this account is about £25 a-year.

Emoluments.

96. The Emoluments of the water bailiff are partly derived from certain fees payable by each vessel and boat frequenting the port according to the following schedule:

	s.	*d.*
On each ship from the pool, to Limerick -	2	6
From Limerick to the pool the like - -	2	6
Quayage - - - - - - - -	2	6
Ditto for every boat not belonging to a freeman	0	6
For anchorage of every ship - - -	6	6

They amount to 12*s.* 11*d.* on vessels over 40 tons; for vessels under 40 tons there is no fixed rate; it has varied from 3*s.* 6*d.* to 10*s.* No vessel is chargeable until she comes round "The Head," which is at the mouth of the Shannon. If the vessel anchors in "the Pool," which is about three quarters of a mile from Limerick, the charge is only 9*s.*, being 6*s.* 6*d.* for anchorage, and 2*s.* 6*d.* for arriving at "the Pool." If the vessel is lightened in "the Pool"

by boats, the boats are not charged; but if, after being lightened, she comes up to the quay, she is liable to the charge of 4*s.* for quayage. Boats laden with turf are considered liable to the charge of 6½*d.*, but row boats are not; vessels or boats owned by freemen of Limerick, or by freemen of the town of Cardigan, in Wales, are exempt from these dues. This exemption is considered as strictly limited to vessels, or boats, of which such freemen are sole owners, but, in practice, a part ownership is admitted to confer the privilege. The exemption as to freemen of Limerick is said, by the deputy water bailiff, to be only, as he believed, from the charge for "anchorage," but they are not, in fact, charged any of the dues.

The quayage and anchorage duties are printed in the schedule of tolls and customs, called Corporation Duties, but they are all paid to the water bailiff, and do not form any part of the general revenues of the corporation. The exemption of the freemen of Cardigan we are not enabled to account for.

By Returns made to the House of Commons the average gross receipts of these fees for a period of 10 years, ending 1823, appear to have been above £300 late currency, per annum, and the average expenditure for the public benefit during the same period not more than £25 per annum late currency.

These returns are printed in the Appendix B. to the Report of the Select Committee of 1822, No. 17.

The gross amount received on ships in the years 1830, 1831, and 1832, were,

1830 - -	£296
1831 - -	312
1832 - -	323

These sums are exclusive of the fees on boats, which were in the above three years between £80 and £90 a-year.

The water bailiff also claims a fee of 2*d.* per ton on all ballast discharged from, or put on board vessels in the port; this is exclusive of the cost of the ballast, which is supplied by private individuals. It is not charged to the full amount, especially on large vessels; but the water bailiff has, sometimes, received it on so much as 70 and 80 tons. The water bailiff gives no service for this charge, except the performance of the duties above mentioned, in respect to the bed of the river.

The water bailiff has also a fee of 6*s.* 8*d.* Irish, on attachments from the Tholsel Court; the amount of these fees have been of late very trifling, but were computed at about £20 a-year for the 10 years ending 1823. Where sales take place under attachments executed on the river, the water bailiff is entitled to the statutable fees under the 6 Anne, c. 14, of 1*s.* in the pound on the first £100, and 6*d.* in the pound on all sums over £100; only two such sales have taken place in the last 20 years.

No attachment issues for a sum under 40*s.*, and the present deputy water bailiff appears to exercise a gratuitous jurisdiction (in which he states that he acts merely as a mediator without any remuneration) in settling small demands against persons on the river, at the instance of the creditors.

The expenses attendant on the office are about £100 per annum, and the whole duty being done by deputy, the office of water bailiff is a sinecure, worth to the present possessor between £200 and £300 per annum, and likely to increase with the annually increasing trade of the city. The income is chiefly derived from a tax on the shipping and industry of the port of Limerick without any adequate return to those who pay it, or to the inhabitants at large while the duties in respect of the river and port are such as more properly belong to, and might be with advantage consolidated with those of the harbour master.

The present water bailiff (the Honourable John P. Vereker) is only in office since the 1st of April 1833. He was mayor at the time of his appointment, and had been so the preceding year.

The deputy has held that situation about 16 years.

In the schedule of customs returned by the corporation in 1672, as printed in the Appendix B. to the Report of 1822, No. 11, the only charges appearing to relate to this subject are the following:

	s.	*d.*
"The said corporation doth take out of every ship, or barge, that rides in that harbour, or lies at their key, for keyage and anchorage - - - - - - - - - - -	3	8
"And towards reparation of a chappel in the cathedral church of Limerick, and kept only for the use and burial of merchant strangers and sea-faring men, and built and repaired by the corporation for that purpose, which is called the duty or custom of chappelage - - - - - - - - -	3	8"

97. The Swordbearer carries the sword before the mayor on occasions of ceremony. He acts also as public appraiser. He has a salary of £10 per annum from the corporation. Swordbearer.

98. The High Constable acts as billet master. The petty constables act under the mayor, as keepers of the peace, and are specially bound to assist him in the discharge of his magisterial functions. They, with the mayor's serjeants, or serjeants at mace, are in fact the only corporate police. The salary of the high constable, payable out of the corporate revenues, is £10 per annum, besides which he until lately received by presentment from the city grand jury £50 a-year late currency, as conservator of the roads and streets. This is now reduced to £20. High Constable.

CITY OF LIMERICK.

Each of the petty constables is paid £8 a-year, and is clothed at the expense of the corporation.

Serjeants at Mace.

99. The Serjeants at Mace, or mayor's serjeants, execute the process of the Tholsel Court (except on the river) and of the Mayor's Court, or Court of Conscience. They attend the mayor, and assist him as constables in the discharge of his official functions.

They do not give any security for the performance of their duties. But the present officers were described to us as being very trustworthy.

Their salary is £14 each per annum from the corporation, and

They have the statutable fees on poundage on executions from the Tholsel Court, and the following fees:

	s.	d.
On executing each action or attachment - -	2	6
On executing each *distringas*, and summoning jury	3	4
Making out and returning panel on each *venire* -	2	6
Drawing return on attachments - - -	2	6

They are also clothed at the expense of the corporation.

The present serjeants are all freemen.

Sheriffs' Bailiffs.

100. Besides the ordinary functions of such officers as assistants to the sheriffs in the execution of writs and summoning juries, the Sheriffs' Bailiffs exercise a jurisdiction, said to be founded on immemorial custom, of seizing for sums not exceeding 5*s*. the goods of the alleged debtors, without any written process, or previous authority from the sheriffs. They thus compel the parties to appear before the sheriffs to have the claim decided. The bailiffs receive a fee of 10*d*. on this proceeding. It is said to be acquiesced in by the parties, from its having been so long in existence, but the sheriffs have latterly very properly discouraged it.

The sheriffs' bailiffs receive each a salary of £11 5*s*. a-year from the corporation, and an allowance of £50 a-year is made to the sheriffs to provide clothing for them.

Poundkeeper.

101. The Poundkeeper takes charge of goods and cattle seized on attachments of the Tholsel Court. This person is a livery stable-keeper, and his charges for the keep of cattle and storage of goods are greatly complained of, sometimes exceeding the value of the article detained. The charges must be paid by a defendant coming to redeem his property on bail. But should the plaintiff pay them he is not allowed them on taxation of costs against the defendant.

Weighmaster, Functions of

102. The Functions of the Weighmaster are those pointed out by the general statutes which regulate the office. The articles weighed by him are corn and butter; the former at the corn market, the latter at the butter crane. The corn market house is the property of the corporation, who pay a rent of £52 10*s*. a-year for it, and keep it in repair.

By the 19th section of the 1 Geo. III. c. 17, the weighmaster of Limerick is bound to provide one convenient weighhouse in the English, and the other in the Irish town, to be approved of by a majority of the wholesale merchants of the city.

A weighing machine has been erected by the weighmaster, at his own expense, for the use of which he charges 5*d*. a load, but the owner of the grain is not under any obligation to make use of it.

The butter crane was erected by the weighmaster at his own expense. The charges at it are,

	d.
On each empty cask brought to be weighed and branded - -	1
On each full cask brought to be weighed - - - -	3

Emoluments of.

103. The Emoluments of this office, from the great increase of the corn and butter trade in Limerick, are very considerable. When the present weighmaster was first appointed, they did not amount to more than £300 a-year. The average annual amount for three years preceding the Butter Act of 1830, 10 Geo. IV. c. 41, of the fees of the butter crane was £1,470.

The fees of the past year were about £150 under this average, but the weighmaster did not claim compensation under this Act, considering the loss to have been occasioned by the visitation of cholera, and not by the operation of the Act.

The annual expenses of the office are from about £250 to £300.

The present weighmaster, John Vereker, Esq., was at the time of his appointment a member of the council, and nephew to the then chamberlain of the corporation, the late Lord Gort.

Hide Cranemaster, Functions of.

104. The Functions of the Hide Cranemaster are performed by a deputy, assisted by the inspector appointed by the trade. They consist in the examining and weighing hides and skins brought to the crane. It is not obligatory on the owner of the articles to have them brought there.

The fees are those regulated by statute, and are calculated as producing about £100 per annum, after paying all expenses.

The present hide cranemaster is a member of the common council.

The Ranger of the Exchange.

105. The Ranger of the Exchange is a mere caretaker of that building, which is the property of the corporation, and in which he resides. His salary is £17 per annum.

Bellmen.

106. The Bellmen receive salaries of £3 a-year each from the corporation.

Organist.

107. The Organist performs at the cathedral during divine service; he is paid £10 a-year by the corporation.

108. The Deputy Clerk of the Market inspects the quality of meat in the markets, regulates the potato crane, and examines the weights and measures; he has a set of the standard weights, and goes round the markets with the market jurors. He reports abuses to the mayor. He also made the corn returns while required by statute. Deputy Clerk of the Market.

The salary is £50, paid by the corporation At present the office is held jointly by two individuals, sons of the former officer, who was an alderman.

109. The Functions and Privileges of the Freemen as members of the Court of D'Oyer Hundred, are already stated. Those who are duly registered under the Reform Act and resident within seven statute miles of the place of election, are entitled to vote in the election of Members of Parliament. Freemen, Functions and Privileges of.

They are free from the tolls claimed in Limerick, but we have not found that they enjoy any privileges in other places under the general words of exemption from tolls, contained in the early charters.

We have already noticed their exemption from the water bailiff's dues.

The number of freemen registered, as qualified to vote for Members of Parliament, at the time of our visit, was 271, and of freeholders, leaseholders, and householders, 2,649; of the latter the following classes appear registered to February 1833:

£50 Freeholders	94
£20 Ditto	190
£10 Ditto	30
40 Shilling Ditto	695
£50 Rentchargers	4
£20 Ditto	6
£20 Leaseholders	1
£10 Ditto	22
£10 Householders	1,468

A few of these are also registered as freemen.

In order to guard against the infringements of the rights of the freemen, it is by the 13th section of the Regulation Act enacted, that from the commencement of that Act no freeman shall be allowed to act as freeman, unless he shall have been duly admitted to his freedom, and take the oath as a freeman, six calendar months at the least before he shall so vote, under a penalty of £100 for every such offence; and every act done by any such person before he shall have been so duly sworn and admitted for six calendar months, shall be void, and of no effect: Provided always, that nothing therein contained should extend, or be construed to extend, to any person entitled by birth, marriage, or servitude to his freedom.

And by section 14, a penalty of £200 is awarded against any mayor, sheriff, town clerk, or other officer of the corporation, or other person whatsoever, who shall wilfully and fraudulently antedate or cause to be antedated any admission of a freeman.

110. The county of the city of Limerick possesses an exclusive criminal Jurisdiction, exercised by its magistrates at the Court of Quarter Sessions, and at petty sessions. Assizes are held for the county of the city, at which the mayor is joined in commission with the judges. Jurisdiction.

The local civil courts are, the Tholsel or City Court, the Mayor's Court or Court of Conscience, and the Sheriffs' Court. To these civil and criminal courts may be added, the Court of Admiralty, created by the charter of King James I. now disused.

111. The first charter of Queen Elizabeth empowers "the mayor, bailiffs, and recorder, for the time being, from time to time, to deliver the gaol of prisoners confined for felony, according to the law and custom of the kingdom of Ireland, and to do all other things which are well known to belong to the delivery of the gaol, without any other new commission." No jurisdiction is exercised under this power. The Court of Quarter Sessions, as now holden, is founded on the charter of King James, enabling the mayor, recorder, and four aldermen to be elected, as already stated, any three or more of them, of whom the mayor and recorder were to be two, to inquire into, hear, and determine within the city aforesaid, at all times, to be limited by them, "all manner of felonies, homicides, robberies, assaults, &c. and all other misprisions, offences, and crimes, which do or should thereafter belong to the authority of justice of the peace, and to hear, determine, give judgment and correction for all crimes and offences committed within the said county of the city of Limerick, treason, misprision of treason, and murder only excepted." To these are now added six additional justices of the peace, appointed by the Lord Lieutenant, under the 12th section of the Limerick Regulation Act. One of these is a member of the common council. We have already noticed the statutory provisions requiring the presence of the recorder or his deputy. Quarter Sessions.

The court sits four times in the year, at the usual periods of quarter sessions. Attorneys frequently practise there, barristers seldom. Times of Sitting

A Crier is appointed by the recorder, and receives £10 late Irish currency annually, by presentment from the city assizes grand jury. Crier.

The Grand and Petty Juries are empannelled by the city sheriffs, and are of a respectable class, not confined to burgesses or freemen. Grand and Petty Juries.

The cases are such as are usually tried at county quarter sessions. Transportable felonies are tried there, and the punishment of transportation awarded. The practice is to have custody cases tried either at the assizes or quarter sessions, whichever court first sits after the committal, capital felonies being reserved for the Assizes. Fines imposed are paid to the County Infirmary. Nature of Offences tried at.

CITY OF LIMERICK.

Number of Cases.

The Number of Cases tried in the Court of Quarter Sessions,

In the year 1830	were	122.
„ 1831		124.
„ 1832		94.

Remarks.

It may be justly doubted whether, in so large a city, the sittings of this court are sufficiently frequent. In cases of appeal from the petty sessions, serious delays may occur in cases requiring prompt decision. This could not be remedied without providing for the residence of the recorder, whose presence is necessary to form the court. The recorder stated that he considered it would be difficult to procure the attendance of jurors if the court was held weekly, but there does not seem to be any necessity for its sitting every week; once in each month would probably be sufficient. At present it must frequently happen, that in consequence of the court not sitting more than four times in the year, persons committed to gaol, charged with offences too serious for Petty Sessions, are obliged to undergo a long incarceration previous to trial, productive of great injustice to the party accused, if innocent, and of an unnecessary expense to the public.

Petty Sessions.

112. Petty Sessions are held twice every week, on Wednesdays and Saturdays, at which the mayor presides, assisted generally by five or six of the city magistrates. These sessions were introduced into Limerick before the passing of the Petty Sessions Act, under which they are now held. On the criminal side petty assaults and trespasses are heard and disposed of; on the civil side, cases of servants' and labourers' wages.

The average number of cases each day of sitting is about 50, of which the number of criminal cases greatly preponderates. Attorneys occasionally practise there, and there is not any rule of the court excluding professional men from attending.

The magisterial business of the county of the city of Limerick is stated by the Crown solicitor of the circuit, and the chief magistrate of police, to be now very properly discharged, and the administration of justice in the Court of Petty Sessions appears to give satisfaction. The fines imposed by the magistrates at petty sessions are given in aid of the funds of Barrington's Hospital (the county infirmary.)

Tholsel Court.

113. The chief civil court of the city is the Tholsel or City Court, the jurisdiction of which is expressly given by the charter of Henry V. already stated. Its authority is pleaded as prescriptive, and is confirmed by the subsequent charters.

Its Judges and Officers.

The Mayor and Sheriffs are the judges of this court, assisted by the recorder, when present, as their assessor, who in practice acts as sole judge on trials had before him by consent of the parties.

The town clerk acts as prothonotary, and the process of the court is executed by the serjeants at mace, except on the river; in which case the process is, in the body of it, directed to a serjeant at mace, but is at foot addressed to the water bailiff or his deputy, and executed by him.

There is a crier, appointed by the recorder.

Amount and Extent of its Jurisdiction.

This court now holds pleas of actions, personal only, but to any amount, arising within the Jurisdiction of the court, which is coextensive with the county of the city of Limerick. The charter of Henry V. gives cognizance of pleas, real and personal.

Sittings of.

The court sits once a-week. The court day is now Wednesday, to which it has been changed by the present recorder. The old court day was Friday; it was changed at first to Thursday. No particular court day is mentioned in the charters, and we cannot find any sufficient reason for the change. At the ordinary weekly Sittings little more is done than entering the rules, which must be done in the presence of the judges of the court. There are six days in each year fixed by the recorder, with the concurrence of the practitioners, for the trial of causes, namely, the first Wednesday in each of the four quarter sessions, and the same day at each assizes for the city; but trials seldom, if ever, take place except at the assizes, to which period they are generally postponed, for the advantage, it is said, of having the attendance of counsel. About twelve attorneys practise in the court. Service of five years' apprenticeship to an attorney of the court is necessary to entitle a person to be admitted to practise in it. Nine are attorneys of the superior courts, but being so is not a necessary qualification. Attorneys pay £20 stamp duty with some fees of court on their admission, amounting to about £3.

There is no regular attendance of barristers.

Practice of.

There are three species of mesne process from the Tholsel Court; to obtain any of which an affidavit must be made, before the mayor or one of the sheriffs, of the cause of action having arisen within the jurisdiction of the court. These processes are an attachment against the goods, an action against the body, and a *latitat*. The last is returnable the next court day after it has issued. It is merely serviceable process, and is analogous to the common writ of *capias* in the superior courts. It is seldom resorted to. To obtain an "action" or "attachment" the plaintiff must also, in his affidavit, swear to the cause of action,—in the former case, to at least £20; in the latter, to at least 40*s*. It is not in any case, considered sufficient to swear merely to the residence of the defendant within the jurisdiction. The "action" and "attachment" are not made returnable on a day certain; they are supposed to continue in force for a year, and are returnable on the next court day after being executed by caption of the person or goods. In practice, a previous summons is not served on the party; a summons is made out and returned *non est inventus* by the serjeants at mace, but this is a mere form, and it is antedated of the court day previous to that on which the action or attachment is issued.

It is stated that, by immemorial usage, no action, or warrant to arrest the person, can issue

during what is called the privilege, which commences on the 4th of August, the fair day of Limerick, and holds until the 19th, during which time the fair granted by the charters of John and Edward is supposed to continue.

Persons arrested are committed to the city gaol, if not bailed. The attachment is the ordinary process of the court. The officers by whom it is executed seize goods, according to their estimation, to the amount of the debt, which, if not bailed, are delivered to the poundkeeper, and kept by him until final judgment, when they are sold to pay the debt and costs; but if perishable, the court, on notice to the defendant, may order an earlier sale. The object of the "action" and "attachment" is to compel an appearance, but that is not sufficient to procure the discharge of the person or goods. For that purpose bail must be given by two householders, each justifying in the amount of the debt sworn to. The condition of the recognisance is for payment of the condemnation of the cause, and not, as in similar recognisances elsewhere, in the alternative, to pay the condemnation money or render the body. The bail qualify before the town clerk, on 24 hours' notice to the opposite party.

If the defendant appears to either the action or attachment, he is entitled to put a rule on the plaintiff, to give what is called "bail of prosecution," that is, security for costs; but he is not entitled to this security on serviceable process. If the defendant does not enter an appearance on either of the writs of "action" or "attachment," the plaintiff proceeds, on their being returned, to obtain interlocutory and final judgment. Writs of inquiry are directed to, and returned by, the serjeants at mace. Four days' notice of the inquiry is posted on the Exchange where there is no appearance by the defendant.

If the defendant does not appear to the *latitat* on or before the second court day after the return, the plaintiff may enter an appearance for him; this is done under the authority of the statute 43 Geo. III. c. 53, s. 3.

The pleadings are in form similar to those in the superior courts, and the "New Rules" of practice have been adopted by the present recorder; the rules of the court are entered from court day to court day, which is from week to week, the mayor and sheriffs meeting to form a court for this purpose. The rules to plead, &c. and jury process, are, as in the superior courts. The foreman of the jury summoned on the *venire* must be a burgess. Jurors, in other respects, are taken from the usual assizes *nisi prius* panel. According to the ordinary rules of the court, and if the court sat for trials with regularity, a defended cause would be disposed of in about five weeks, and in an undefended cause judgment may be had in three weeks from the return of the process. New trials are not permitted. The execution issues against either body or goods. The proceedings against the bail are by *scire facias*. The proceedings of the court are much more dilatory than, from the course of its practice, might be expected. At the time of our Inquiry a suit was depending for two years and a half, and a writ of error was expected on some point of form. Causes are seldom tried more than twice a year.

Much dissatisfaction appears to exist, as well with reference to this as the Quarter Sessions Court, at the non-residence of the recorder. Legal questions must constantly arise in the progress of a suit, and it is not surprising that, as stated to us, parties have been put to expense by the illegal decision of the mayor and sheriffs, in the absence of the recorder, on a point of law with which they could not have been conversant. In fact, no tribunal can be worse adapted to the discharge of the business of such a court than that of annual officers, without professional knowledge or practical experience. The consequence is, that the advantages of a comparatively cheap local court, and of that expedition which its rules are calculated to afford, are almost totally lost to the suitors, by the practice of postponing the trials of causes to such distant periods. We have already noticed the arrangements made by the recorder to obviate these inconveniences in some degree, but those arrangements, it is manifest, cannot always answer the intended object, or be satisfactory to the suitors of the court.

The business of the court has very much declined, partly from those circumstances, partly from others hereafter noticed. It was stated by an intelligent practitioner of the court, that if there was a resident recorder the business would probably revive. The costs are less to the suitor than in the superior courts, while the profits to the attorney are more.

Costs.

The Costs of proceedings in the Tholsel Court are considerably less than those of the superior courts, for large demands; for small debts they are too high. They are taxed by the town clerk. In a very litigated case, in which the sum recovered was £50 8*s.*, the costs, as taxed to the plaintiff, including fees to counsel, amounted to £18 18*s.* 6*d.*

The following bills of costs were furnished to us:

1. A taxed bill of costs of a cause in which no appearance was entered, but which proceeded to final judgment and execution, the amount was £10 11*s.* 2*d.*; of which,

	£	*s.*	*d.*
There were for court fees - -	2	19	11
Attorney's fees, &c. - - -	6	12	11
Stamps, &c. - - - - -	0	18	4

2. A like bill of a judgment, or *cognovit*, amounting to £3 14*s.* 7*d.*;

	£	*s.*	*d.*
Of which there were for court fees -	1	10	2
Attorney - - - - -	2	4	5

CITY OF LIMERICK.

3. A like bill of a judgment on confession amounting to £6 15*s.* 1½*d*,

	£	*s.*	*d.*
Of which there were for court fees, &c.	2	0	1½
Attorney - - - - - -	4	16	0

4. A bill of the defendant's costs, on a judgment, as in case of nonsuit, amounting to £12 19*s* 3*d*.

	£	*s.*	*d.*
Of which there were for court fees, &c.	3	14	9
Attorney - - - - -	9	4	6

Number of Causes.

The number of causes commenced in the Tholsel Court of Record for the city of Limerick, for each of the three years, were,

1830 - - -	26
1831 - - -	23
1832 - - -	21

The number tried in the same period, were,

1830 - - -	9
1831 - - -	7
1832 - - -	4

Removal of Causes.

Causes are frequently removed to the superior courts by writs of error, *certiorari*, and *habeas corpus*. This is done principally for delay, and is extremely prejudicial to the practice of the court.

A practice which appears to prevail here, and is said to be sanctioned by long usage, is complained of, and must diminish the utility of the court. In cases where goods are taken under an attachment issued in the name of the mayor and sheriffs, the sheriffs consider themselves bound in case of an execution directed to them from a superior court against the same defendant, to return a seizure, as sheriffs, of the goods, which, as judges, they had previously given possession of to another party, and to take them out of his hands. The legality of the proceeding has been questioned in the superior courts, but not decided.

The Tholsel Court is considered a valuable acquisition to the citizens, and the process of attachment, though liable to abuse, is in some cases highly serviceable. The principal points in which this court appears to be defective, are, its being held before unprofessional judges, and, for small debts, the amount of the costs, defects which may be remedied by the substitution of a resident recorder, with, to a certain extent, a civil bill jurisdiction.

It seems also desired that the power of removing causes should be placed under some efficient check, that the serjeants at mace should be selected from a more respectable class, and be obliged to give security, and that the fees on storage of goods should be fixed at a reasonable rate. We have not found that the practice of foreign attachment exists in this court.

Mayor's Court or Court of Conscience.

114. The Mayor holds a Court of Conscience for recovery of sums under 40*s.* late currency. The authority under which this court is held is not derived from any charter or statute; but, in the year 1827, on the trial of an action brought against the mayor by a person committed under a warrant of the court, it was found by the jury that the jurisdiction existed by prescription. (Hogan *v.* Mahon, 1 Hudson and Brooke's Reports, 286.) The jurisdiction is claimed for all actions of contract, debt, or wages, to the amount of 40*s.* of the late currency. There was some evidence at the above-mentioned trial of jurisdiction in all actions.

Practice in, and Fees.

The proceeding is by summons in the name of the mayor, served on the defendant, for which 6*d.* is paid to the serjeants at mace. If the defendant appears on this summons, the case is at once disposed of, unless it involves the consideration of some legal question, when the mayor dismisses it without prejudice to the party's right to appeal to another court, in which case the parties generally go before the assistant barrister. If there is no appearance by the defendant, it is so recorded by the clerk, and also by the mayor himself, in a book kept for the purpose; and the plaintiff is at liberty to issue a second summons, which also costs 6*d.*; should the defendant not appear to the second summons, the service of the summons is sworn to, and a process called "a warrant of contempt" issues. This latter process is served by one of the mayor's constables, for which he receives 1*s.*, and 1*s.* is also paid on it to the mayor's clerk. If the parties appear on this process, the case is heard as if on the original summons; if not, the service of the "contempt" is sworn to by the constable, and the debt is proved on oath by the plaintiff, to whom it is adjudged accordingly. If the debt be not then paid a third process is issued, which is called a "marshal contempt," which is, in fact, a warrant of arrest and committal, and under which the defendant is arrested by the constable, and lodged in the city gaol until he pays the debt and the costs of the summons and warrant, and of the arrest, or unless the mayor, from his inability to do so, releases him on an undertaking to pay the debt by instalments. The mayor's clerk receives 1*s.* on the marshal contempt also; the constable receives 1*s.* on the arrest. The mayor does not derive any fees from this court.

Number of Cases.

The Number of Cases disposed of each day of sitting, which is every Thursday, averages 120; about one-half of which are heard, on the rest there is no appearance; and besides these, the mayor occasionally issues what are called "sight summonses," under the same jurisdiction, by which the parties are at once heard, and their cases summarily disposed of. These summonses are disposed of on other days besides the regular court day.

Disputed claims to tolls have been brought before the mayor in this court by the lessee, and adjudicated upon by him, and in one instance the defendant was arrested and committed to gaol. His jurisdiction on such claims was objected to as head of the corporation to whom the tolls belong. The mayor justified his adjudicating on them on the ground that he felt no personal interest in the matter, and only signed the lease of the tolls as the officer of the corporation. We think the practice objectionable.

Rehearings are never allowed. This court is useful to the poorer classes. The duty of the mayor in it is laborious, and on the whole appeared to us to be very efficiently discharged.

Sheriffs' Court.

115. We have already, in our notice of the functions of the sheriffs' bailiffs, stated the peculiar jurisdiction which appears to be exercised by the sheriffs for the adjudication of claims under 5*s.* of the late currency; the exercise of this summary jurisdiction has latterly been properly discountenanced.

One of the present sheriffs stated that he uniformly dismissed such cases, and compelled the bailiff to return the fee of 10*d.* paid to him, unless the parties voluntarily came before him, in which case, under the sanction of usage, he adjudicated upon the claim while condemning the practice.

Admiralty Court.

116. In the abstract which we have given of the charter of King James I. the exclusive and very extensive Admiralty jurisdiction conferred thereby upon the corporation has been described. The Court has long fallen into disuse. In the year 1765 it appears to have been formally held in the island of Inniscattery, on occasion of perambulating the boundaries for the mere purpose of preserving evidence of the corporate rights. Some of the privileges annexed to the office of admiral are still claimed; such as a right to royal fish within the limits, and the more important one, of executing writs on the Shannon, both out of the criminal and civil courts of the city, is still exercised.

Assistant Barrister's Court.

117. The Assistant Barrister for the county of Limerick sits at Limerick for the trial of civil bill cases within the county of the city twice in each year, under the authority of 36 Geo. III. c. 25. s. 53.

Police.

118. There is no local Police under the jurisdiction of the corporation, except the mayor's constables, and the serjeants at mace, who are bound to assist in the preservation of the peace. The general duties of police are performed by a portion of the constabulary force under the provisions of the Peace Preservation Acts.

The force stationed in Limerick for the city and liberties, consists of a chief constable, six constables, and 33 sub-constables. Their principal station is in St. Michael's parish, where the barrack is situate; but they have daily and nightly stations in different other parts of the city.

The inhabitants of the parish of St. John assess themselves for watching and lighting that parish. This is a voluntary assessment made at vestry; it amounts to about £130 a-year. There are private watchmen and lights maintained by individuals in other parts of the old city, but with this exception that part of the city is not lighted, or provided with a nightly watch. The corporation incurs no expense whatever for these purposes; the paving is repaired by presentment of the city grand jury, with the exception of the Parteen Causeway, and Thomond, and the New Bridges, which are repaired by the corporation. The general state of the pavement and flagging of the old city is very indifferent, and the old city presents, in this, and many other respects, a marked contrast to the parish of St. Michael's.

The public institutions are supported by presentment of the city assizes grand jury, and the chief burden of local taxation is imposed by this body. A very small portion of the sums presented by them is now applotted on the city, and, with the exception of the sum of £500 late Irish currency, from the commissioners of St. Michael's parish, the public monies are almost exclusively levied from the liberties.

City Grand Jury.

119. The Assizes Grand Jury is empannelled and returned by the sheriffs, and is composed, in a great proportion, of members of the common council, with other gentlemen taken from the more respectable of the inhabitants at large.

The selection of grand jurors was for many years a serious and just subject of complaint by the inhabitants, as being almost exclusively taken from the members and supporters of the common council, and, with few exceptions, confined to Protestants.

The composition of the grand juries has been improved in these respects since 1826, and the proportion of Roman Catholics somewhat increased; but it is still alleged not sufficiently so. The majority, however, is still generally composed of members of the corporation, and dissatisfaction is expressed that a greater number of the mercantile body is not summoned. It was stated to us by one of the late sheriffs, that the grand jury was chosen by him without reference to sect, party, or politics; but the large body who are excluded from the corporation, and who find so many of its members constantly sworn on the grand jury, cannot be expected to be entirely free from a suspicion that the power of selection vested in the officer of a corporate body, such as we have described, is not universally exercised without reference to corporate interests. The same gentleman stated that he always took care to summon on the grand jury the representatives of five different interests, namely, the landed interest, the mercantile interest, the corporation interest, the Protestants, and Roman Catholics. The first of these, from the mode in which the grand jury cess is imposed, are really the parties to be most attended to, as they almost exclusively constitute the rate payers. The corporation, save in reference to its property in the liberties, which is inconsiderable, has, in its corporate capacity, no peculiar connexion with the business of the grand

CITY OF LIMERICK.

jury, besides that many of its members are more properly eligible, as landed proprietors, which, of course, adds to the apparent number of common councilmen on the grand jury. There are generally about 10 or 12 of the same individuals on every grand jury, as is usually the case in such bodies in counties at large.

Grand Jury, Functions of.

120. The city Grand Jury exercises the usual powers of grand juries of counties at large. Its criminal jurisdiction does not require particular notice.

The average annual sum presented for by the grand jury is about £6,000, of which £500 of the late currency is contributed under the local Acts by the parish of St. Michael; the rest is raised by an acreable assessment, which averages from 6*s.* to 8*s.* per acre throughout the liberties, and by a trifling contribution from the old city parishes.

The entire old town only contributes £13 each half year.

The principal purposes to which this sum is applied are, the payment of salaries to the mayor as coroner, the clerk of the Crown, the clerk of the peace, the officers of the gaol; the maintenance of prisoners in the city gaol; the support of the inmates of the lunatic asylum; annual contributions to the house of industry and fever hospital; the constabulary force; the repairs of roads in the liberties, and the streets of the old town.

Presentments.

121. The following abstract shows the sums presented, and for what purposes, by the grand jury at the summer assizes of 1833:

		£	*s.*	*d.*	£	*s.*	*d.*
Salaries, half a year:	Clerk of the Crown	36	18	5½			
„	Clerk of the Peace	46	3	1			
„	Gaoler	65	0	0			
„	Local Inspector	70	0	0			
„	Turnkey	26	5	0			
„	Under ditto	9	4	7½			
„	Courtkeeper	4	12	3¼			
„	Crier	2	6	1¼			
„	Interpreter	4	12	3¼			
„	Crier quarter sessions	4	12	3¼			
„	Secretary	18	9	2½			
„	Conservator	10	0	0			
„	Chaplains	30	0	0			
„	Physician	13	16	11			
„	Surgeon	9	4	7½			
„	Apothecary	4	12	3½			
„	Matron	9	4	7½			
„	Sheriffs	11	10	9¼			
„	Mayor, as Coroner	42	0	0			
„	Treasurer	151	13	6			
					570	6	0¼
Rents:	Secretary's office	10	10	0			
„	Staff house	25	0	0			
					35	10	0
Gaol:	Medicines	13	16	11			
„	Provisions	400	10	0			
					414	6	11
Miscellaneous:	Constabulary force (one third)	271	6	6			
	House of industry	200	0	1			
	Dispensary	58	1	0			
	Lunatic poor	273	16	10			
	Fever hospital	46	3	1			
	Instalments of loans	549	8	2			
	Printing, &c.	41	9	0			
					1,440	4	8
Buildings:	Court house	1	10	0			
„	House of Industry	100	0	0			
					101	10	0
	Witnesses	37	8	6			
	Repairing roads and bridges	138	9	8			
	Insolvencies	2	4	1			
					178	2	3

Over a great portion of the above items the grand jury have little control, being bound by the authority of various Acts of Parliament to present for them. The salaries of the several

CITY OF LIMERICK.

officers, the instalments of loans, the charges for the constabulary force, the lunatic asylum, house of industry, dispensary, and fever hospital are of this description.

122. The sums borrowed from Government, and the repayment of which the grand jury became bound to present for by instalments, are as follows:

Loans.

For making the Tipperary road and new gaol £12,002 10*s.* 0*d.*, late currency.

This sum has been presented for by annual instalments of £428 15*s.* 10*d.* One instalment only remained due at the time of our visit in October 1833.

For the purchase of the old county gaol, converting it into a city gaol, and making improvements therein, £3,354 10*s.* 3*d.*

This sum has been partly presented for by annual instalments of £77 8*s.* 2½*d.*, and the sum of £1,854 7*s.* 11*d.* was due in October 1833.

For the new Tarbert road, £283 1*s.* 6*d.*

This has been partly presented for by annual instalments of £14 3*s.* 1*d.*, and the sum of £155 14*s.* 2*d.* remained due in October 1833.

For the Waterford road, £856 3*s.* 6*d.*
For repairing the Ennis road, £322 15*s.* 8*d.*

These two sums are to be repaid in 10 instalments, with interest at 5 per cent.

A sum of £5,000 has been presented, to be raised in six instalments, for the expenses attending the visitation of cholera morbus in the city and liberties; no part of this sum has been as yet raised.

The expense of the constabulary force has been much reduced; it was in 1829, £847 18*s.* 8*d.*

Considerable reductions have been made by the interference of the grand jury in the expenses attending the lunatic asylum. The following is a statement from the treasurer of the grand jury of the sums presented on this account in the last five years:

	£.	s.	d.
Spring 1828 - -	640	15	6
Summer „ - -	453	4	11
Spring 1829 - -	488	1	10
Summer „ - -	457	2	3
Spring 1830 - -	214	0	9
Summer „ - -	184	0	10
Spring 1831 - -	227	4	7
Summer „ - -	206	14	3
Spring 1832 - -	255	10	7
Summer „ - -	249	12	0
Spring 1833 - -	297	5	0
Summer „ - -	273	18	10

The total amount of the presentments has been annually on the increase, and the pressure of them on the liberties augmented by the decline of the Old Town.

In 1807 and 1808, the acreable cess varied from 10½*d.* to 18*d.* per acre; in 1832 and 1833, it amounted to from 3*s.* to 4*s.* per acre, in each half-year, while the cess in the county is but from 10*d.* to 1*s.* per acre, thus imposing a most unequal tax on the agricultural interest of these two adjoining districts. The pressure of the grand jury assessments is the more complained of by a large class, from their strong impression that the corporate revenues, given "for the public uses of the city," have been diverted from their legitimate objects by the common council; and that, in consequence, an oppressive assessment is made by the same body, acting as grand jurors, for the very uses to which those revenues might, under better management, have been first applied.

Acreable Assessments.

123. The grand jury cess is applotted equally by the acre on all the lands in the liberties; but we found a very confident belief entertained by some, that several denominations, or townlands, contain a much greater quantity of land than is set down in the treasurer's accounts, whereby the cess is levied on a lesser number of acres than the denomination or townland actually contains, and that this operates to the advantage of the larger holders, while the small farmers pay nearly to the full extent on their holdings. No sufficient evidence, however, was adduced before us to establish this allegation. The fact, if it exists, is probably owing to the defects of the Down Survey, and the changes which have taken place in the condition of some lands by reclaiming and other improvements. No modern survey of the liberties has been made; however, any inequalities of this nature will, it is presumed, be remedied by the trigonometrical survey now in progress through Ireland, under the directions of the Board of Ordnance, which has not yet been commenced in Limerick.

A considerable sum of grand jury cess has been suffered to accrue on a denomination called Tervoe, of about 93 acres, on the confines of the liberties. The proprietor, Colonel Monsell, denies the liability of the land, alleging that it lies in the county of Limerick, and that he pays taxes for it in the barony of Pubblebrien, in that county. This denomination is placed in the south liberties of the city, by the Down Survey. The subject has frequently been brought before the grand jury, and submitted to counsel on their behalf, but no steps had been taken at the time of our visit, to try the question. It was alleged, that considerable

CITY OF LIMERICK.

difficulty would attend any attempt to levy the amount due, by distress, as the lands in question are separated from the rest of the county of the city by a portion of the county; and the probable expense of the proceedings was also assigned to us as one of the reasons why the grand jury have not been advised to make the attempt. We have since learned that legal proceedings have been instituted, and that the question is likely to be tried, or settled.

Patronage of.

124. The grand jury appoints to the offices of treasurer and secretary, and to those of the city gaol, except that of keeper of the sheriff's prison.

In a petition lately presented by the citizens of Limerick to the House of Commons, the discontinuance of the office of treasurer, and the consolidation of his duties with those of the chamberlain or receiver of the corporation, are suggested. Both these officers are remunerated by the same rate of poundage on their receipts, so that, unless by a diminution of the rate, no saving would be effected by such an arrangement; and it seems very questionable how far the public would derive a benefit from the change.

Amongst the functions exercised by the grand jury, is that of presenting as nuisances decayed and falling houses in the Old Town. From the condition of that part of the city, a more summary jurisdiction seems desirable in this respect, than one which can only be exercised twice a year at the assizes.

St. Michael's Parish.

125. The Acts of Parliament relating to the Parish of St. Michael, are the 47 Geo. III. c. 75. (1807.) entitled "An Act for paving, cleansing, lighting, and watching the parish of St. Michael, in the liberties of the city of Limerick, and adjoining the said city, and for preventing and removing nuisances therein," and the 51 Geo. III., c. 104, (1811,) entitled "An Act for altering and enlarging the powers of, &c." (the preceding Act.)

Commissioners.

Twenty-one Commissioners were named in and appointed by the 47 Geo. III., of whom 14 were to be for life, and seven removable at the end of two years, and that number to be elected triennally by all rate-payers, inhabitants of the parish, paying taxes to the amount of £4 late currency per annum; and vacancies occasioned by death amongst the life subscribers are filled in the same way. Public notice is given of the election, which is by ballot. It excites a good deal of interest. The number of rate-payers qualified to vote, is 260.

Residence at the time of election is a necessary qualification for a commissioner; but ceasing to reside, he does not cease to be a commissioner. Of the 14 life commissioners, three are non-residents; one only is a member of the common council. Seven commissioners form a quorum.

They have, as officers,	£	s.
A secretary and treasurer, whose salary is	105	0
A surveyor and conservator	84	0
Two collectors, paid by a poundage of £5 per cent. on the sums collected,		
A constable of the watch	36	8
And a street-keeper	15	12

Meetings of Commissioners.

The Commissioners have no fixed times of Meeting, but are summoned by the secretary as often as business requires their attendance. The secretary states, that he sometimes finds great difficulty in procuring a meeting of the commissioners, and has sometimes to call them together four or five times before he can get a sufficient number assembled. He seems to attribute this to their not receiving any remuneration for attendance, or being subject to a fine for absence.

Mode of Assessment.

The Mode of Assessment and Account is fully described in a Report from the secretary to the commissioners in 1822, and printed by order of the House of Commons. (Appendix B. to the Report of the Select Committee of 1822, No. 6.)

Amount of.

The Amount of Assessment for one year, ending 25th March 1832, was £3,004 6*s.* 1*d.*, which is about the usual average. The rate at which it is levied, is 2*s.* 3*d.* in the pound on the annual rent of inhabited houses, as valued by sworn applotters; and on stores and uninhabited houses, 3½*d.*; it cannot exceed 3*s.* on the former, or 4*d.* on the latter. Houses applotted as under £10 value, are exempt. The houses are valued at about two-thirds of the actual value. The commissioners derive a small income from the sale of the street manure; this amounted to £55 10*s.* for the year ending 10th December 1832.

Application.

Under the provisions of the 51 Geo. III. c. 104, £500 of the late currency is payable by the commissioners, annually, to the city treasurer, for the use of the city gaol, house of industry, and fever hospital. The remaining portion of their income is applied to the watching, cleansing, lighting, and paving the streets, the salaries of the parish officers, interest on their debt, hereafter mentioned, and sundry minor disbursements. There is an annual loss, under the head of insolvencies and allowances on untenanted houses, which, in the year ending 25th March 1832, amounted to £84 12*s.* 5½*d.*

Watching.

The Watching is performed by 26 watchmen. The number, in 1824, when the number of houses was not so great, was 40; but, from the assistance given by the general constabulary of the county, of whom a portion is stationed within the parish, the commissioners were enabled to diminish the number of the watchmen. The parish does not directly contribute to the expense of the constabulary; and if they were removed, at least 24 additional watchmen would become necessary, the parish funds thus benefiting to that extent by the presence of the general police.

The expense of the watching department, in 1832, was £546 2*s.* 1*d.*

Lighting.

The Lighting is by gas, and for the same year the expense was £487 3*s.* 6*d.*

CITY OF LIMERICK.

The Paving, Cleansing, and Watering the streets for the same period amounted to £593 2*s*. Paving and Cleansing.

The manner in which the whole of these several departments are attended to is creditable to the management.

The Salaries to Officers, including the percentage to the collectors, is about £400 per annum. Salaries to Officers.

By the 47 Geo. III. c. 75, the commissioners were enabled to borrow £3,000, late currency, for the purposes of the Act, which they did accordingly. Of this there remains due £2,900, the interest on which formerly at 6, but now at 5 per cent, is included in the annual expenditure. This Debt is secured by bonds called parish assignments. Debt.

The general Accounts of the commissioners, verified on oath, are printed annually and circulated amongst the rate-payers. Every facility is given for the inspection and examination of their account books. The accounts are audited by a committee of the commissioners. Accounts.

Complaints are made by the corporation, that a larger sum than £500 is not contributed by St. Michael's parish to the general expenses of the public establishments, many of which are placed within the parish, and have been erected since the local Act was passed, and from which its wealthy inhabitants derive their full share of advantage, while the great proportion of the expense of those establishments is borne by the grand jury assessments on the Old City and liberties. Remarks.

The commissioners, in 1830, admitting the justice of these complaints, convened a meeting of the rate-payers, to consider the propriety of having the Act amended in that respect, and enabling them to contribute to the public establishments in such proportions as they should think fit, to the extent of £1,000, which was considered a fair contribution. However, the rate-payers contended that, having improved their property on the faith of the Act, by which the amount of their contribution to those purposes was limited, rejected the proposition. Since the time of the passing of the Act, (1811,) when the proportion of £500 was fixed, the number of houses in the parish has, it is said, doubled, and its wealth increased three-fold, and the rate of taxation is less now, in fact, than at that period by 3*d*. in the pound.

The system is popular with the inhabitants of the parish, but the arrangements are considered defective in not providing for the removal of such of the life commissioners as cease to reside in Limerick, and in there not being any power of remunerating the commissioners for their attendance, or fining them for absence. The secretary also pointed out what he considered a great defect in the provisions of the Act for the removal of nuisances, namely, that the commissioners cannot summon the parties before themselves, but must proceed before the magistrates at petty sessions, who sometimes differ from the commissioners and their officers, as to the character of the Act complained of; but it seems very questionable how far, in any case, it can be allowable to constitute the same tribunal at once the accusers and the judges, or any supposed convenience can compensate for the loss of public confidence which such an arrangement must inevitably produce. One of the city magistrates, who is also a commissioner of St. Michael's parish, very properly declines, on this principle, to act as a magistrate in cases brought before the petty sessions on behalf of the commissioners.

126. By an Act of Parliament, passed in 1823, (4 Geo. IV. c. 94,) a number of gentlemen connected with the county and city of Limerick, and county of Clare, were incorporated by the name of the "Limerick Bridge Commissioners," to erect a bridge across the Shannon below Thomond Bridge, so as to unite the New Town with the west side of the liberties, and to make a floating dock; and, by a clause in their Act of Incorporation, they were empowered to borrow from the commissioners of the Loan Fund, created by 3 Geo. IV. c. 112, who were also thereby enabled to lend the same, any sum they might require for the execution of those works, or a mortgage of certain tolls, rates, and duties, granted to the Limerick Bridge Commissioners by the Act. Wellesley Bridge, and Harbour Commissioners.

Under this power, £85,000 has been borrowed, the greater part of which has been expended in building Wellesley Bridge, now nearly complete; when finished, the commissioners will be entitled to levy certain tolls for passing thereon, specified in the Act. The other rates and duties to which they are entitled, are harbour duties on the tonnage of vessels, and on the importation and exportation of goods, according to schedules B. and C. annexed to the Act.

They have, from the increase of trade, doubled since the Act was passed, and now amount to about £2,000 a-year. Forty-eight commissioners were named in the Act, with a power of adding ten to their number. They are elected for life. Seven constitute a quorum. They do not attend very regularly, and it is difficult to form a board. They are not paid. They have a secretary, collector, and harbour master, and treasurer, and they have a power of appointing and licensing pilots. The pilotage of the river formerly belonged to the corporation, and it does not appear that any compensation was made to or required by them for the loss of their privilege.

Complaints, we were informed, were sometimes made by the merchants, of the inequality of the charges on various articles contained in the schedules; but the harbour dues are not considered excessive. The whole amount of tonnage dues on a vessel coming into Limerick, including the water bailiff's fees, are about 9*d*. per ton.

The harbour dues have been mortgaged to the Board of Works, and in consequence of a late arrangement made by that board, allowing only £300 a-year to be applied for the officers of the establishment, the salaries have been reduced; they are now:

CITY OF LIMERICK.

	£
Secretary - - -	100
Collector - - -	100
Harbour Master - -	55
Treasurer - - -	45

The salaries of the secretary and collector were previously 150 guineas each. The nature and places of the projected improvements in the harbour, will be found in the Second Report of the Commissioners of Public Works, (Ireland,) printed by order of the House of Commons, April 1834. Plans No. 3 and 4.

Gaol.

127. There is a distinct Gaol for the county of the city of Limerick. Persons accused of and convicted of crimes committed in the city and liberties, and those arrested for debts under process of the superior courts directed to the sheriffs of the city, and under process of the Tholsel Court and Court of Conscience, are confined in it; and a part of the building is used for the custody of riotous persons arrested at night, previous to their committal by the magistrates. The officers of the gaol and their respective salaries, are as follows:

	£	s.	d.	
Local Inspector - - -	140	0	0	per annum.
Protestant Chaplain - -	30	0	0	„
Roman Catholic Do. - -	30	0	0	„
Physician - - - -	27	13	10	„
Surgeon - - - -	18	9	2	„
Apothecary - - - -	9	4	7½	„
Matron - - - -	18	9	2	„
Governor - - - -	130	0	0	„
Turnkey - - - -	52	10	0	„
Under Turnkey - - -	18	9	2	„
Assistants - - - -				

The whole annual expenditure of the gaol is about £1,400, which is raised by grand jury presentment of the city and liberties, as before mentioned, and disbursed under the care of a board of superintendence, pursuant to the provisions of the Gaol Act. (7 Geo. IV. c. 84, s. 2.) This board meets as occasion requires, and makes all contracts for the supply of the gaol.

A record is kept of their proceedings, which is open to the inspection of the grand jury and judge at the assizes.

In fact, they are seldom required to meet, the duty being almost entirely discharged by the local inspector; but the gaol is visited frequently by individual magistrates and, in his regular course of inspection, by the inspector general of prisons. It is in a state very creditable to all the persons connected with its superintendence, and particularly to the local inspector, through whose exertions it is stated that the general expenditure has been reduced at least £600 a-year. In return for these exertions the grand jury, in 1824, increased his salary to £150 a-year. In 1827, and subsequent years, they endeavoured to reduce it to £100, but the judge of assize declared that, having been given for past services, the grand jury had not power to reduce it. The salary of the local inspector of the county gaol is but £50 a-year; but the inspector of the city gaol states that the county gaol, though larger, is more compact; and that the duties of the office can be discharged with more ease.

It is observable, however, that the salary of the gaoler of the county is £300 per annum, while that of the city gaoler is only £130. The city inspector, in 1830, submitted to a small reduction to terminate the contest with the grand jury, and his salary is now £140.

Some alterations were in progress at the time of our visit to the gaol, which, when completed, will afford the means of making a more perfect classification of the prisoners, than has hitherto been practicable; there was previously no separate place for female debtors. It was suggested to us as desirable and practicable to consolidate the city and county gaols. The possible saving to the city and liberties, by this arrangement, was stated at about £800 per annum, supposing the proportion to be contributed by the county to be two-thirds of the expense of the joint establishment.

We do not find that any proposition of this nature has been brought before the grand jurors of either county.

Ecclesiastical Patronage.

128. The presentation to the parish of Saint Laurence, in the south liberties, is in the gift of the corporation. It is an entire rectory, valued at 6*s.* 8*d.*, in the King's books. There is no church now existing in the parish, nor is there a glebe house or glebe land. The living is a sinecure.

The number of the inhabitants of this parish, in 1831, was 1,529.

The corporation have no other Ecclesiastical Patronage.

Schools.

129. The corporation do not support or contribute to any Free School. There was formerly a diocesan school-house, the rent of which was paid by the corporation, but it has been surrendered to the landlord. Funds have been subscribed, and a site purchased for erecting a new diocesan school, the want of which is complained of.

Blue School.

The mayor and recorder, with the bishop and dean of Limerick, are trustees, under the will of Mrs. Alice Craven, in 1729, of a charity school called the Blue School; to the support of which the corporation formerly gave £20 a-year out of their own revenues; but this has been long discontinued, and those corporate officers do not at all interfere in the concerns of this institution, which are now managed altogether by the dean of Limerick. Its permanent funds are very limited, not exceeding £50 per annum; 12 boys are educated and clothed

in this establishment. There is no provision limiting admission to the sons of freemen, nor any preference given to them.

Charities. Forty-shillings' Almshouse.

130. The only Charitable Institution supported by the corporation is the Forty-shillings Almhouse, which was built and is kept in repair at their expense. It contains 20 poor widows; each has a room in the house, and receives 40*s.* a-year of the late currency, out of the corporate funds. The mayor for the time being recommends to vacancies; and this, we are informed, is done without any preference on account of religion. The house has been lately put in good repair.

We cannot trace the origin of this institution, or whether its existence is or is not dependent on the will and pleasure of the corporation.

We have already noticed the charitable pensions to distressed widows of aldermen and burgesses.

Hall's Charity.

The mayor, recorder, and sheriffs are *ex officio* overseers and trustees of Hall's Charity, and the mayor is *ex officio* a trustee of Craven's charity; but these officers take very little, if any part in the administration of either of these establishments.

Hall's charity is now managed by an agent under the commissioners of charitable donations and bequests. Thirteen poor infirm men and 24 women receive £6 of the late currency a-year each, paid quarterly from this charity. Several of them are lodged and provided with fuel in an almshouse which belongs to the charity. This is an ancient building, and appeared, when we visited it, to be in a miserable state. There is a day-school attached to the institution, in which 20 boys and 20 girls receive gratuitous instruction, and such as remain four years in attendance on the school, are entitled to an apprentice fee of four guineas.

The income of this institution arises chiefly from houses in the old city, the rental of which appears, by an account published in the Appendix B. to the Report of 1822 on Limerick Taxation, No. 13, to have amounted, in 1821, to £433 10*s.* 6*d.*, and was stated to us by the present agent, to be now about £304 per year, and insufficient for its support. The principal and interest (amounting to £1,700) of a bond of Lord Gort, for £796, and mentioned in that account, have been lately paid to this charity.

Craven's Charity.

Craven's Charity is under the management of the present chamberlain of the corporation, on behalf of the trustees. Forty-seven widows receive £4 per annum each from this charity; and the poor of the old city parishes, St. Mary's, St. John's, and St. Michael's, £10 each parish, at Christmas. In 1821, when the present agent of the charity was appointed, there were but 20 widows receiving £4 Irish each, but the income of the charity has since increased. An account of the real and personal property of this charity is printed in the Appendix B., above referred to, No. 13. It now amounts to £216 0*s.* 1*d.* per annum, arising from land and houses in the city and liberties. The lands of Strahane, mentioned in that account, as producing £60 a-year, have been since let on a reversionary lease to the tenant, at £136 16*s.* 6*d.*, for 99 years; besides which, there is a sum of £737 3*s.* 8*d.* Three per Cent. Government Stock, recently received for the benefit of the charity, by the commissioners of charitable donations and bequests, being recovered on the debt due by Mr. D'Esterre, mentioned in the above account. This charity is now in a prosperous condition. Both Hall's and Craven's charities are exclusively Protestant in their institution and practice.

The corporation has not any control over them, save what may be exercised by the trustees already noticed.

House of Industry.

A House of Industry was established in Limerick for the county of the city, under the statute 11 and 12 Geo. III. c. 30, which, under the 15 and 16 Geo. III. c. 35, has been also constituted the house of industry for the county of Limerick; and the corporations of the houses of industry of both counties, established under the former Act, were united under the latter. Part of the establishment is appropriated to a house of correction, chiefly for females, and is also common to the county and city; and it contains a separate building for the care of lunatics, idiots, and epileptics, under the provisions of the 27 Geo. III. c. 39, s. 8.

The county of the city grand jury annually present for this institution, the sum of £392 6*s.* 2*d.* The rest of its income is derived from presentments of the county grand jury, and by legacies, donations, and subscriptions of individuals.

The corporation of Limerick does not exercise any control over these funds or their management.

The mayor, recorder, and charter justices are *ex officio* members of the corporation of the house of industry.

The other members are the county magistrates, the bishop of Limerick, and individual subscribers, who, according to the amount of subscription become, under the statutes, annual governors or governors for life.

The details of the management are conducted by a committee of the governors, annually appointed. Some of the city magistrates are members of the committee, but this is not the consequence of any special provision.

This establishment is not in debt; its funds appear to be carefully and judiciously managed, and its general state is creditable to the officers and committee.

Barrington's Hospital.

Barrington's Hospital has been constituted the hospital or infirmary for the city and county of the city of Limerick, by the local statute 11 Geo. IV. c. 72. This hospital was founded by Sir Joseph Barrington and his sons, and by them given to the use of the poor of the city and county of the city. The mayor is *ex officio* a governor of the hospital, but it is otherwise unconnected with the corporation. This valuable institution has been hitherto supported without any aid from grand jury presentments.

CITY OF LIMERICK.

Fever Hospital.

The mayor, sheriffs, recorder, and justices of the peace of the county of the city are, under the 58 Geo. III. c. 47, members of the corporation of the fever hospital erected under that Act. It is common to the county at large, and county of the city, and supported by presentments of the grand jury of both. The grand jury of the county of the city contributes £92 6*s.* 2*d.* per annum. The bishop of the diocese, the representatives of the county and city, and the county magistrates, with individual subscribers, are also members of this corporation.

Lunatic Asylum.

A Lunatic Asylum for the reception of patients from the county of the city of Limerick and the counties of Limerick, Clare, and Kerry, has been erected at Limerick, under the 1 and 2 Geo. IV. c. 34. The corporation is not in any way connected with the management of this establishment. We have already noticed the grand jury presentments towards its support.

Other Public Charities.

The other Public Charitable Institutions of importance in Limerick are the lying-in hospital, dispensary, and the mendicity. The first and last are supported entirely by voluntary contributions; the dispensary, by voluntary contributions and a grant from the city grand jury, under the statutes relating to dispensaries. The lying-in hospital is frequently in a state of destitution from want of funds; there is not any appropriate building erected for this institution, which is therefore conducted in a building hired for the purpose by the subscribers.

The funds of the mendicity establishment are also very insufficient.

The state of the public charities becomes of importance in reference to the corporation, from the provisions of the Limerick Regulation Act already noticed, "that no part of the residue of the public revenues of the city shall be disposed of except to the public uses and *charities* of the city."

Revenues.

131. The ordinary Revenues of the corporation are derived from, 1. Rents of houses and lands in the city and liberties: 2. The fishery of the salmon weir: 3. Tolls and customs: and 4. The cleansing of the streets in the old city. The revenues amounted, in the year 1832, to £4,418 16*s.* 8*d.*, although the fishery was unset and unproductive. This sum was made up as follows:

	£	*s.*	*d.*
Houses and lands - - - -	598	6	8
Tolls and customs - - - -	3,706	0	0
Cleansing the streets - - -	114	10	0
	£4,418	16	8

The corporation also occasionally receive sums from fines on leases, and other incidental sources.

Landed Estates.

132. We were unable to obtain from the officers of the corporation any satisfactory account of the properties comprised in its present rent-roll, or of the tenures by which they are held by the corporation, or demised to their tenants. The members of the common council, and the officers of the corporation appear to pay no attention to the subject, and to know little more of these properties than is contained in the brief rent-roll returned by the chamberlain to the House of Commons, and ordered to be printed, 12th August 1833, (Sessions Papers, No. 649, p. 43;) and, except in occasional notices of new leases, the books of the corporate proceedings produced to us, give little information on the state of the corporate property. We cannot find that any committee has been appointed in modern times, to investigate the condition of the estates; and there is not any officer whose duty it is to attend to them, or to report to the common council on the leases in being or those near expiring. There is not any map or survey of the estates in possession of the corporation. The last proceeding of importance on the subject was in 1765, when the then subsisting leases were copied into a book. The existence of this book appears to have been unknown to the resident authorities of the corporation until it was discovered, during our Inquiry at Limerick, in the corporation chest, which had remained for some years, unopened, in the lower apartments of the town clerk's house. Three keys of this chest should, by a resolution of the common council in 1779, have been in the possession of the mayor, recorder, and chamberlain, but these keys were not with any of those officers. The chest was found to contain counterparts of old leases corresponding with those entered in the books, and some books and private papers of Lord Gort. The chamberlain, whose peculiar province it is to collect the revenues of the corporation, stated, that he had not in his possession any of the title-deeds or leases of the corporate property, except a few very recent leases; that on his first appointment to the office, he had endeavoured to obtain such information as might enable him to ascertain the state of the rents and arrears; and that, for that purpose he had published a notice, (dated the 14th May 1824,) calling on the tenants of the corporation to pay their rents, and to produce to him their last receipts and leases. Under these circumstances we have found great difficulty in ascertaining such particulars relative to the estates of the corporation, as are necessary to show their nature and management, and supply the deficiencies of the present rental. The following statement is founded on the particulars contained in the lease-book just noticed; a copy of a negative registry search, furnished to us by the persons concerned on behalf of those inhabitants of Limerick who took an interest in the Inquiry; the parol evidence adduced before us; and the public documents to which we refer.

Title thereto.

133. The general grants contained in the charters have been already stated. They make no reference to any particular denominations of land; but this defect is in some measure supplied by an inquisition had on the 18th March, 12 Jac. I., and remaining of record in the office of the Chief Remembrancer of the Exchequer, at Dublin (No. 31.)

CITY OF LIMERICK.
Inquisition, 18th March. 12 James I.

134. This Inquisition finds,

That King John granted 40 ploughlands to the mayor and citizens of Limerick, at the yearly rent of £40.

That King Henry III. granted 10 ploughlands, parcel of said 40, to the bishop of Limerick, and his successors, which they had, and paid no rent to the mayor and citizens.

That the priors of St. Mary's house were anciently seised of six other ploughlands, parcel of said 40, by whose gift the jury did not know.

That the said priory came to the king, who granted the said six ploughlands to Edmond Sexton, who held also one ploughland called the Prior's Land, south-west of the city wall; also the Monk's Land, &c. as leased to him.

That the master of the hospital of lepers held one ploughland, parcel of said 40, by grant from Henry III.

That Gerald Earl of Desmond was seised of Corbally, one ploughland, parcel of said 40, and that when he was attainted, this reverted to Queen Elizabeth, who granted it to Robert Ansloe, and no rent was paid for it to the corporation; and that Bealers *alias* Court-bracke, one ploughland, parcel of said 40, came to Queen Elizabeth by the attainder of said Earl, who granted it to said Ansloe, for which no rent was paid to the corporation.

That Farrenygallagh, one half ploughland, parcel of said 40, was part of the possessions of the nunnery of Killone, county Clare, and then in possession of the Earl of Thomond paying no rent to the corporation.

That Rathwyrd, two ploughlands, parcel of said 40, came to Queen Elizabeth by the attainder of one John Brown, and were granted to said Robert Ansloe at the rent of £6, payable to the king.

That Gortidiravohir containing 10 acres, Gortnebowly containing five acres, Ratharaglan, 15 acres, (all one ploughland,) parcel of said forty ploughlands, were in possession of Phillis White, and others, and paid no rent to the corporation.

That certain other small gardens lying by south of the gate of the city, commonly called St. John's Gate, and the lands of Merlin-Croft and Clownegowderishe, one parcel of land, parcel of said 40, were then in the tenure of the mayor and commonaltie, and that they were also seised of the following parcels, being parcel of said 40 ploughlands, viz. Park, being three-fourths of a ploughland held by Thomas Comyn, and derives from the corporation, at a rent of 15*s.* Irish; Rheboge three-fourths of a ploughland, being in possession of Nicholas Arthur, and held by him of the corporation at the yearly rent of 15*s.*; Ballyseeda three-fourths of a ploughland, in possession of John Fox, held by him of the corporation at 15*s.*; three parcels called Dwylish, Ballymoldowyn, and Rathmichael, one ploughland, in possession of said Nicholas Arthur, and by him held of the corporation at the yearly rent of 20*s.*; Rathbayne, three-fourths of a ploughland, held at the rent of 12*s.* 4*d.*; Rathwyrd, one-third of two ploughlands, paying * to the corporation. Crewinally otherwise Ballyneclogh, one-fourth of a ploughland, paying 5*s.* to the corporation.

That Cheapman's Land otherwise Ardnevedoge, being one ploughland, was in possession of Simon Fanning, paying 10*s.* rent to the corporation.

That the above contained 24 ploughlands lying on the south part of the city.

That the corporation were seised of the following lands, situate on the north side of the city, parcels of said 40 ploughlands, viz. Castle Blake, one ploughland, in the possession of the said Nicholas Arthur, paying 20*s.* rent to the corporation.

Kilrush, one-half ploughland in the possession of Nicholas Comyn, alderman, at 10*s.* rent to the corporation.

Farrenengower *alias* Smyth's land, one ploughland, in the possession of David White, alderman, at the rent of 20*s.* to the corporation.

Clowenmacknie, half a ploughland in possession of said David White, at the rent of 10*s.* to the corporation.

Ardnegallagh *alias* Knockardnegallah, Cahirdavy, Shanevally, and Farrenconmarry, one ploughland, in the possession of Thomas Comyn, at 20*s.* rent to the corporation.

Ballygrenan, one ploughland, in the possession of John Arthur, at 20*s.* rent to the corporation.

Clonecannon *alias* Cahirnefinelly, one ploughland, in the possession of David Comyn at 20*s.* rent to the corporation.

Coronagh and Clownedrynagh, one ploughland, in the possession of David Comyn, Richard White, and Teague McShean, at the rent of 20*s.* to the corporation.

Ballynaghtenmore, Meylich, Ballygnatenbeg, one ploughland, in possession of William Stritch, alderman, John Arthur, and James White, at the rent of 20*s.* to the corporation.

That Prior's Land, containing 15 acres, Farrankelly, containing seven acres, one-half ploughland, was parcel of said 40, which Prior's Land is parcel of the former six, granted by the King to Edmund Sexton, yielding no rent to the corporation.

That Farrankelly was glebe land of the rectory of Killeely, and paid no rent to the corporation.

That the two mills called the King's Mills, under one roof, in the west part of the city walls, betwixt the city wall and the rock called Carringower, upon the river of the Shannon, near the King's Castle, were sometimes held of the said mayor and commonalty, whether by lease or otherwise the said jurors did not know, and that the said mill is the mill for which the sum of £20 Irish, parcel of the sum of £73 6*s.* 8*d.* Irish, was accounted for in the Exchequer; and that the said mills came to the hands of the late Queen Elizabeth, who leased the same to one Richard Stritch, late of Limerick, which mills were in the possession and occupation of William Stritch, alderman, by force of the said lease.

* This is a blank in the original inquisition.

CITY OF LIMERICK.

That the lands undernamed are reputed to be parcel of eight ploughlands, parcel of said 40, which said eight Richard De Clare held of the Kings of England, as feoffee of the said mayor and commonalty, viz. Knockinishir, Ballycurman, Capaghtimore, Glanegrosse, Frybagh, Cratloghmeel, Cratloghkeel, Cratloghmore, and Quirenboy, that the same do lie near the city and answer no rent to the mayor, and are, by tradition and hearsay from ancient men, affirmed to be within the old and ancient liberties, and north-west side of the city. By a charter of the seventeenth year of his reign, 1217, John granted that those who should take any land of these 40 ploughlands from the citizens of Limerick should hold them of the King and his heirs. This charter explains many of the statements of the inquisition. An inspeximus of it by Henry VI. in the eighth year of his reign, is in the office of Ulster King at Arms.

Rentroll of 1677.

135. In a Rentroll of the corporation for the year 1677, printed in the Appendix B. to the Report from the Select Committee of 1822, No. 11, we find the following list of chief rents due to the corporation. We add such of the denominations mentioned in the Inquisition as appear to correspond with, or resemble those stated in the rentroll:

Chief Rents due at Michaelmas 1677 to the corporation out of the lands of	£	s.	d.	Denominations mentioned in the Inquisition.
Parke	0	11	3	Park
Reabogue	0	11	3	Reboge.
Rature	0	2	3	Rathwyrd.
Rathbane	0	12	4	Rathbane.
Balle Shedy	0	11	3	Ballyseeda.
Moylisle	0	11	3	Meylich.
Clonmarkins	0	6	0	Clowenmacknie.
Ballegrenan	0	11	3	Ballygrenan.
Balleraughtenbeg	20	5	7	Ballygnahtenbeg.
Coonagh and Clondrynagh	0	11	3	Cownagh and Clownedrynagh.
Shanboly and Cnoc	0	6	0	Shanevally, Knock Ardnegallagh.
Cloncarrane	0	15	0	Clonecannon.
Caherdaven	0	3	9	Cahirdavy, with others.
Farran Cowrie	0	3	9	Farrenconmarrie.
Farran Shone	0	15	0	
Farran Gowne	0	15	0	Farrenengown.
Kilrush	0	10	0	Kilrush.

The only notice of these chief rents, which is found in the present rental, is as follows:

No.	Tenants' Names.	Denomination.	Yearly Rent.	Amount Due.
38	Richard Moore, Esq.	Rebogue.	£0 11 3	„
39	Mrs. Fitzgibbon.	Ballyseeda.	0 11 3	£38 3 5

We are unable to state when or how the corporation ceased to collect the chief rents of the other denominations; but it is not improbable that they have been lost from want of due attention to the collection of them on the part of the corporate officers, as we find that in 1765 Alderman Ingram, by whom the corporate leases were transcribed in the book we have mentioned, stated to the common council, "that he transcribed the counterparts of all the corporation leases into a book, and several title deeds relative to the corporation, whereby it appears that several denominations of lands and the yearly rents reserved by the counterparts of leases, have been concealed from the corporation and from the chamberlain, who had no entry of such denomination or rents in his rental." The smallness of these chief rents may in some measure account for the neglect. Except as they may be contained in some of the denominations mentioned in the above inquisition, or in the grants of the waste places and new extent in the charter of Elizabeth, we have not found any other evidence of the title of the corporation to their present landed estates; but they appear to have been seised of them for considerably more than a century. The corporation book of 1677, in Birmingham Tower, contains a rental, the denominations in which correspond in substance with those of the present estate.

Island of Inniscattery.

136. As to the Island of Inniscattery, this part of the estate is mentioned in the charter of James I. as being of the inheritance of the corporation; and there is extant in the rolls office a fiant for a grant to the mayor and citizens of Limerick, of the site, circuit, and precincts of the late religious house of Synan, with the church-yard to the same, situate, lying, and being in the island of Inniscattie, in the county of Limerick, 24 acres of land, arable, with the appurtenances in the said island to the said late religious house belonging, as also the several customs which follow, viz.:—For every boat of oysters, coming to the said city once a year, 1,000 oysters; of every boat of herrings, 500 herrings once a-year; and also four cottages, now in the occupation of the Prior of Inniscattie; two cottages, now in the tenure of there; four little cottages, now in the tenure of the said late religious house of Synan; one ruinous church; 20 acres of wood and stony ground, in the aforesaid island, called Beechwood; and also all the tithes of all and singular the premises, with all other cottages, lands, tenements, &c., which have been taken for part or parcel of the said site or island, to the said mayor and citizens of Limerick, and their successors for ever, in free soccage and not *in capite*,—rent per annum, at the receipt of the Exchequer, £3 12*s.* 8*d.* Irish, at St. Michaelmas and Easter, by equal portions.

This was delivered into the Chancery of Ireland, on the 24th April, in the twentieth year of the reign of Queen Elizabeth.

137. Prior to the enactment of the Regulation Act, no uniform course appears to have been followed in the Lettings of the corporate estates. The Committee of the Irish House of Commons, in 1761, reported that they found in one of the council books the following entry, dated the 20th August 1728:—"A motion being made, and the question put, that all leases hereafter to be made by this corporation, of any lands, tenements, or hereditaments belonging to them, be first propounded to the Court of D'Oyer Hundred, for their assent thereunto before such leases be perfected, the same passed in the affirmative, *nemine contradicente*;" and they mention in their Report some instances of leases so confirmed. But in later times the confirmation of leases, by the Court of D'Oyer Hundred, does not appear to have been considered necessary; and it was admitted before the Committee of the House of Lords, in July 1823, to whom the Regulation Act was referred, "that all the acts of common council, from 1746 down to the present time, do not appear to be confirmed by the Court of D'Oyer Hundred, with the exception of such as have been given in evidence on the part of the promoters of the Bill, or such as appear by the D'Oyer Hundred Court books, produced on the part of the corporation, to have been confirmed by the Court of D'Oyer Hundred; and that during all that time *leases appear to have been made*, monies granted, persons admitted to their franchises, and other corporate acts done without (as far as it appears by the books) any confirmation by the Court of D'Oyer Hundred." No fixed regulations prevailed as to advertising the properties to be let; sometimes a committee of the council was appointed to receive proposals or fix the rent; sometimes the letting was by public cant; but generally the books merely notice the order for the lease. The course of letting is, however, in these particulars now prescribed by the Regulation Act, which provides that no lease or other assignment whatsoever, shall be made of any part of the corporation estate, except an order for making the same shall first be made in the common council, and afterwards be approved of by the Court of D'Oyer Hundred assembled, of the holding of which assembly at least seven days' previous notice shall be given; and that no reversionary lease or agreement shall be made of any of the said corporation estate; and that before any lease or agreement be made for any lands, tenements, tolls, customs, or other hereditaments, belonging to the corporation, the same should be publicly advertised, and all tenders or proposals relating thereto laid before the common council and the Court of D'Oyer Hundred; provided, that no lease or agreement be made of tolls or customs for any longer term than one year succeeding the date of such lease or agreement. There is not any provision restricting the term to be granted of leases of the corporate lands; they are generally let for very long terms, amounting, in fact, to perpetuities. Very large fines are sometimes taken on the leases. The lettings, since the Report of the Committee of the House of Commons, in 1761, have not been numerous. Many of those made before that year appear fully to establish the justice of the Resolutions of the Committee, already stated in a preceding part of this Report. A provision was contained in the Bill then transmitted to England, to enable the corporation to impeach such leases of the corporation estate as should appear to them to have been improperly made. That Bill not having passed into a law, the leases have remained undisturbed. The following details of the Rental show such particulars as we have found respecting each of the holdings contained in it:

Mode of Letting.

	No.	Tenant's Name.	Denomination.	Rent, late Irish Currency.	
138.	1	Sir Edward Leslie.	Houses on Charlotte's Quay.	£1 10 0	Rental.

The lease, under which this rent was reserved, expired about the year 1825. It is stated in a note to this number in the rental, that G. E. Bruce, Esq. claims an agreement for a lease. The facts relating to this agreement appear to be as follows:—The premises were, on the 27th June 1829, advertised to be let: but at a meeting of the common council, on the 29th June 1829, it was stated to them that there had been an understanding with Mr. Bruce as to a new lease being granted to him, and that a certain expenditure had in consequence been made by him in repairing the premises. No accounts or vouchers of the expenditure were submitted to the council, nor any survey or valuation of the premises. The following letter, from Mr. Bruce to Lord Gort, was produced to the council by his lordship:

"Charleville, January 19th 1825.

"My Lord,

"The objection to the renewal of the lease of the houses which I now hold being removed, I trust your lordship will at the next council state my proposal for them, which is £850, to be paid in the manner we have agreed.

"I have the honour to be, my Lord,

"Your Lordship's humble servant,

"George Evans Bruce.

"To the Right Honourable Lord Viscount Gort."

The council upon the same day (29th June 1822) passed the following resolution:

"Resolved, That it appearing to this council that George Evans Bruce, Esq., laid out a large sum of money on the houses upon Charlotte's Quay, as lately advertised, with an understanding from the then chamberlain that it would be allowed to him at the expiration of his lease, or a fresh lease granted to him at a fine then agreed upon, at the valuation of two competent persons, of £850 late Irish currency, Resolved, that a fresh lease be made to the said George Evans Bruce, at the old rent, he paying the fine then agreed upon, of £850."

It does not appear that this transaction was at any time previously brought before the consideration of the common council. What was the manner agreed on between Lord Gort and Mr. Bruce, for the payment of this fine, is not stated; but the present chamberlain informed us that the council understood the payment was to be in cash. The fine, however, has not yet been paid. The chamberlain has applied for it and interest on it from the date of the resolution to Mr. Bruce, without effect. The last

CITY OF LIMERICK.

application prior to our visit was in June 1833. Mr. Bruce did not deny the agreement; he on the contrary claimed the benefit of it, but alluded to a demand he had against Lord Gort as a reason for declining payment to the chamberlain. No new lease has been granted, nor has the common council taken any steps to enforce payment of the fine, or recover possession of the premises. Mr. Bruce remains in possession at the old rent of £1 10*s.* 0*d.*, of the late Irish currency. It does not appear for what term the new lease was to be given; the old one was for 99 years.

The premises are situate near Baal's Bridge, and are stated by the chamberlain to consist of three houses, one of which he described as in pretty good condition, the other two indifferent.

No.	Tenant's Name.	Denomination.	Rent.
2	Lord Viscount Gort.	Houses in West Water Gate.	£20 0 0

Five years of this rent are returned in arrear by the chamberlain. These premises were held at 10*s.* yearly rent, under a lease which expired in the year 1824. They are described in the registry of that lease as

"Ground without West Water Gate, with a slate-house and three thatched cabins thereon, in the parish of St. Michael and south liberties of the city of Limerick, in width 30 yards, in length 54 yards."

The following is a copy of the entry in the corporation books, on the subject of the new letting to Lord Gort, on the 1st January 1827:

"Resolved unanimously, That the proposal of Lord Viscount Gort of £20, for the concerns at Water Gate, as advertised at different times, being the only one received, be accepted of, for a term of 999 years, to commence from the 29th September next, with a claim of surrender, after six months' notice."

These premises are described as having been in a ruinous condition, partly inhabited by paupers. Lord Gort has never taken out a lease or got possession of the premises, or paid any rent for them. They were advertised for some years, and a map was made of them. Proposals were received for them; but Lord Gort's was the only proposal in 1827, and was as high as any of those previously made. The premises remain in the same ruinous state as before the letting, neglected by the corporation and unproductive to them.

No.	Tenant's Name.	Denomination.	Rent.
3	Henry Watson, Esq.	Gortacklins.	£100 0 0

These lands contain about 14 acres. They were held under a lease for 99 years, at the rent of £15 per annum. This lease expired in the year 1824. They were advertised, and several proposals were received for them. The present tenant was the highest bidder. He is and was at the time a member of the common council. The lands are set at a fair value. The term is 999 years.

No.	Tenant's Name.	Denomination.	Rent.
4	William Stamer.	House in Bridge Street.	£0 11 1

By the corporation book of leases, it appears that a lease was granted on the 10th of January 1748, to David Bindon, for a term of 999 years, of a house, &c., in Quay-lane, in which Alderman Sexton then dwelt, at the rent of 12*s.* The consideration for it is stated to have been the surrender of a lease granted on the 22d August 1747, which reserved a rent of £9 12*s.* and the payment of a fine of £160, and giving up two orders to that amount on the chamberlain. Quay-lane is now called Bridge-street. The present chamberlain could not give us any information as to the tenure or site of this holding; we presume it to be that demised by the above lease.

No.	Tenant's Name.	Denomination.	Rent.
5	Mrs. Phillips.	House in Emblem Lane.	£3 13 10

Two and a half years of this rent are returned by the chamberlain as in arrear; and he states that the premises are in a bad state, and in a decayed part of the Old Town. By the corporation book of leases, it appears that a lease was made in October 1733, to Samuel Chester, of a house in Emblem-lane, for the term of 99 years, at £4 a year. This lease has consequently expired in 1832. The corporation has been in possession of them by a caretaker since August 1832. This person has made a proposal to take them on lease at £3 a year, with an undertaking to expend £30 on them. They remained, however, at the time of our visit, unset, awaiting the inquiry as to whether they were out of lease or not, of which the chamberlain was ignorant. They consist of two houses, and are described to us by the chamberlain as in a most miserable state. The person in possession pays no rent, nor is he paid for taking care of them.

No.	Tenant's Name.	Denomination.	Rent.
6	Representatives of Dr. Maunsell.	Gortnemanagh and Spittle.	£26 15 9

By the corporation book of leases and registry search, it appears that by lease of 18th March 1752, the corporation demised "the Spittle lands, containing 14 acres," to Matthew McNamara, counsellor at law, for 99 years, from the 29th September 1744, at £14 per annum, in consideration of a fine of £120; and by another lease, of the same date, demised to the same person "North and South Gortnemanagh, the Park called Stephen Meagher's, two Gortgears, containing 25 acres," for 99 years, from the 25th March 1745, at the rent of £20, and in consideration of a fine of 300 guineas. The united rents, amounting to £34, have been reduced to the present rent of £29 0*s.* 5*d.* of the late currency, in consequence of part of the lands having been taken for the lunatic asylum.

No.	Tenant's Name.	Denomination.	Rent.
7	Joseph Jones.	Part of Clino Bog.	£92 6 2

These premises were held under a lease for 99 years, made to Hezekiah Holland, which expired in 1818. This lease is entered in the corporation book of leases, and states the lands to contain 97 acres. The old rent was £6 a-year. The present lease is dated the 1st May 1824. It is a lease for ever, and the premises are described in it as "the bog and common pasture of Moneyanclaynoe and Rahentempane, in the south liberties of the city of Limerick, parishes of St. Patrick and St. Nicholas, con-

taining 97 acres." The order for it was made by the common council on the 29th August 1823, two days before the Regulation Act came into operation. The lessee had been in possession as a yearly tenant. He was not a member of the council. The rent was considered fair, and the lessee is stated to have since expended considerable sums in the improvement of the land.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
8	Joseph Henry, Esq.	Part of Clino Bog.	£2 10 0

This is held under a lease for ever, made by the corporation to Hugh Henry, dated the 8th day of December 1738. The premises are described in it as "the bog, called Clynoe or West Bog of Singland, in the parish of St. Patrick, south liberties of the city, containing 20 acres."

No.	Tenant's Name.	Denomination.	Rent, late Currency.
9	John Wallace, Esq.	House in Bridge Street.	£5 0 0

A lease is entered in the corporation book of leases, and registered, dated the 30th September 1725, to Richard Roche, of premises on the south side of Quay-lane, for the term of 99 years, at the rent of £5. We have not found any other lease appearing to correspond with this number. This lease has, of course, expired in 1824.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
10	Representatives of Lord Perry.	Portnalintra.	£0 5 0

The lease of this holding was made the 10th October 1748, to Edmund Sexton Perry, Esq. The premises are described as the island of Portnalintra, containing 1A. 0R. 29P.; the demise is for 990 years. It recites a former lease to Edmund Perry, grandfather of the lessee, in 1700, for 51 years.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
11	Sir Richard Harte.	Corkanree.	£10 0 0

These lands are situate near Ballinacurra, about two miles from Limerick. The lease is dated the 8th November 1736. It describes the lands as "the lands of Corkanree, called King's Corcasses, in the south liberties of the city of Limerick, containing 55 acres." The term is 99 years.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
12	John Norris Russell, Esq.	House near Baal's Bridge.	£1 10 0

The lease of these premises bears date the 22d March 1766. It is made to Francis Russell, of "ground on the new quay, called the Lock Quay, with several houses thereon;" the term is 999 years, and it was made in consideration of a fine of £163 15s.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
13	Representatives of David Roche.	House in Castle Street.	£3 0 0

This is a short description of a holding, which the chamberlain stated he understood to consist of several premises in Castle Street. They appear to be the same as were demised by the corporation to David Roche, by lease of the 28th September 1778, for 999 years, at £3 a-year, and which are described in the registry as "the quarry outside Thomond Gate, and a small plot of ground bounded round, with the Dean's land and river Shannon, the whole being 1A. 6P., ground about the King's Castle, in the northward of the city, ground east end of Thomond Bridge."

No.	Tenant's Name.	Denomination.	Rent, late Currency.
14	Charles Sargent, Esq.	Part of Spittle Land.	£11 0 0

By the corporation book of leases, it appears that by lease of the 12th November 1767, the corporation demised part of the Spittle lands, containing 10A. 0R. 20P., to Alderman Andrew Sheppard, for 999 years, at £11 a-year.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
15	Mr. Joseph Cripps.	Preaching House and Post Office.	£2 8 0

A lease is copied in the corporation book of leases, and registered, dated the 23d February 1746, by which part of the city almshouse, 50 feet in length and 27 in breadth, is demised for 99 years to Richard Vincent Burgess, at the yearly rent of 20s. Another lease of June 1747, to the same person, demises the city almshouse garden, for 99 years, at a peppercorn rent. By another lease of 25th September 1736, the corporation appears to have demised to Thomas Vincent Burgess, a waste plot on the south side of the Tholsel, for 99 years, at the rent of £1 8s. The first and last of these rents make the rent of £2 8s. mentioned in the rental. The chamberlain stated to us that he conceived the rent to be paid for the old preaching house, in Little Cray-lane, and old post office in Nicholas-street.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
16	Thomas Norris.	Holdings near Penny Well.	£9 0 0

We have not found any evidence respecting this holding further than the statement of the chamberlain, that it consisted of various small houses and cabins, near Penny Well; that he had been obliged to resort to frequent distresses and to take the rent in very small sums; and that the occupiers paid a profit rent to a descendant of Thomas Norris.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
17	Representatives of James Sargent.	Monemucky.	£12 0 0

By a lease of 15th March 1748, the corporation demised to Peter Sargent, burgess, the following lands: "North Cloon, or Old Gallows Green, containing 8A. 3R. 7P.; the island or bog of Monemucky, otherwise Labinamucky, containing 11A. 3R. 6P., and 1R. 12P. between the said bog and East Water

CITY OF LIMERICK.

Gate, South Cloon, otherwise Rockstown, containing 3A. 1R. 9P., outside East Water Gate, and in the south liberties of the city of Limerick," for a term of 999 years, at the rent of £12. This lease appears by the corporation book of leases to have been made in consideration of the surrender of two former leases.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
18	Mrs. Wight.	Monebraher.	£10 10 0

In 1717 the corporation demised to Edward Wight, for a term of 99 years, at the rent of £21, "ground within St. John's Gate, 22 feet in breadth; land, part of Croaght; land without said gate, containing 24 feet in length and 20 in breadth; commons of Monebraher, containing 92A. 0R. 8P.; also a vacancy over the river, south end of west side of Ball's Bridge; common pound and ground adjoining without Thomond Gate, and all such common lands in the north side of the liberties, as contained in survey; with 40 feet in breadth for every high-road on or leading through the said lands, with watering places."

In 1748 this holding was demised by new leases to John Wight, alderman. They are dated the 22d December 1748. By one, the corporation demised to him "Monebraher, in the north suburbs of the city, with tenements fronting the road leading from Limerick to Ennis; a small plot of ground, adjoining the mayor's stone, the Kercher, containing 87A. 1R. 24P." The other lease demised to him "Croaght and ground adjoining, without St. John's Gate; the pound and stables without Thomond Gate, fronting the river Shannon, 68 feet; house adjoining the town wall south end west side of Ball's Bridge, in the city of Limerick."

Both these leases are for terms of 999 years; each reserves the yearly rent of £5 5*s.*, making the present rent of £10 10*s.*

No.	Tenant's Name.	Denomination.	Rent, late Currency.
19	D. F. G. Mahony, Esq.	Rebogue Island.	£120 0 0

The tenant is the present chamberlain. The lease is dated the 22d November 1821, and is for 999 years. The tenement is described as "the two islands called Rebogue, in the parish of St. Patrick, in the city of Limerick, containing 46 acres." These premises were formerly demised for 99 years, at the yearly rent of £8. The interest in that lease became vested in the present tenant and Daniel Gabbett, Esq., also a member of the common council; it expired in 1817, and they remained in possession as yearly tenants for four years, at the rent of £104. They, in 1817, proposed to take a new lease of it, at the latter rent; but the council considered it better not to grant a lease then, and continued them as yearly tenants. The chamberlain stated that he believed the council in the mean time used various ways to set the land to advantage, and that every publicity was given to the intention of letting them; but he did not know that they were advertised. The lease was made to Garret Hugh Fitzgerald, Esq., (who is now, but was not then, a member of the common council,) as a trustee for the present tenant and Mr. Gabbett. The interest is now solely vested in the former. He described the land as being pretty much in the same state as when the lease was made, that they were flooded in winter, and would require more heavy expenditure to keep the water off than he would be disposed to make. He further stated, that on close measurement they would be 43 or 44 acres, and that they were let by him as 44 acres, at four guineas an acre.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
20	Representatives of D. Bourke.	House in Mongret-street.	£6 5 0

In the book of leases we found copied a lease, dated the 6th October 1735, by which the corporation demised to John Pudner a piece of ground on west side of Mongret-lane, 78 feet in front and 20 feet in breadth, for the term of 99 years, from the 25th March 1736, at the yearly rent of £6 5*s.*

No.	Tenant's Name.	Denomination.	Rent, late Currency.
21	Mrs. Brady.	Joyce's Mills.	£3 10 0

By a lease of 2d July 1747, it appears that the corporation demised to Henry Long, John Vincent, Richard and George Waller, "premises in Golden Mill-lane, now called City Brewery-lane, with waste plot and old walls adjoining; also another waste plot adjoining the town wall; all situate in the middle ward parish of St. Mary, and city of Limerick," for 999 years, at the rent of £3 10*s.*

No.	Tenant's Name.	Denomination.	Rent, late Currency.
22	Sir C. Marrett.	Scattery Island.	£34 2 6

This is a lease for ever, made in December 1823, to Sir Christopher A. Marrett, Knight, an alderman and one of the committee of accounts. The proposal by him, and the order of the common council accepting it, appear to have been made on the 29th August 1823, two days before the Regulation Act commenced. It appears that by lease of the 19th September 1717, the corporation demised to Randal Holland, "the island of Inniscattery, in the river Shannon, with the pilotage of ships and accustomed fees," to hold for 99 years, at the rent of £34. The chamberlain's observations on the rentroll, printed in the Appendix B. to the Report of the Select Committee of 1822, No. 16, state that no rent had been received out of this holding within the last 40 years, and that it was then under ejectment. Considerable expense appears to have been incurred by the corporation in finally obtaining possession of the island. The costs of the ejectment were £308 14*s.* 5*d.*, besides a sum of £10 1*s.* 2*d.* paid for effecting service. A sum of £122 appears paid on the 22d August 1828, for law expenses incurred in the Scattery suits; £100 in July 1829, for expenses in taking possession under the writ of *habere;* and £101 13*s.* 6*d.*, in 1830, to persons keeping possession. All these expenses appear to have been incurred after the lease was made to Sir Christopher Marrett. The chamberlain stated to us that it was understood that Sir Christopher Marrett was to have obtained possession of the island without expense to the corporation, and that the lease was made to him under the impression that his influence and connexions in the county of Clare would have enabled him to do so. Sir Christopher Marrett died about 1824. Pending the proceedings to obtain possession, his representatives did not pay any rent. The first payment by them, on account of rent, is on the 18th day of November 1830, for a half-year's rent due the 1st August 1830. The rent, from the commencement of the lease, amounted on the 1st February 1830, to £204 15*s.* Proceedings were taken by the corporation to

recover it; but on the advice of council and of the law agent of the corporation, it was agreed that this arrear should be released on the representatives of Sir Christopher Marrett paying to the corporation £117 2*s.* 11*d.* on account of the expenses of taking possession. The island is now let by the representatives of Sir C. Marrett, to the occupying tenant, for a term of three lives or 31 years, at the rent of £81 10*s.* It contains 103 acres, of which four are in possession of Government, having been purchased from the corporation in the year 1810 for the Ordnance service. Serious difficulties appear to have been experienced and expenses incurred in making the island productive to the present tenant, from the resistance of those who had been in possession. He has provided for them elsewhere, and he stated to us that he has expended £800 in improvement of the island, and the removal of the former occupants. It is two miles and a half from the shore, and annual expense and loss are incurred in the communication with it. Much of the difficulty attending this property to the tenant appears to have arisen from a determination to get rid of the persons in possession, and an offer of a rent of £100 of the late currency, made by the priest of the parish on their behalf, and other offers from persons who, it was supposed, would have left them in the occupation, were rejected by the representatives of Sir Christopher Marrett. The interests of the present occupying tenant, and of the heirs of Sir Christopher, appear to be considered as worth more than £1,200. The land is described as liable to diminution by encroachments of the sea, and about 20 acres are protected by an artificial embankment. It was stated that the common council caused the intended letting to be advertised; but it does not appear that any proposals were made at the time save that of Sir Christopher Marrett. On the whole, it is not probable that, under the circumstances in which this property was situated in 1823, a higher rent could have been then obtained; but those circumstances, and the great difficulty and expense of obtaining possession, appear to have been but the natural result of the long neglect of their interests by the corporation; and independent of any objection to the demise from the position of the lessee as a member of the common council and of the committee of accounts, the letting of property not actually in possession, without, at least, some provision to compel the lessee to defray the expense of recovering it, or to abandon the lease, seems a very improvident exercise of the powers of the common council. The corporation have, on the whole, expended about £500 and sacrificed £200 in rent, in obtaining the present income from this part of their estate.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
23	William Carr.	Garden in Little Island.	£1 2 9

This is held under a lease, dated 2d April 1747, to Robert Davis, of "the field in the little island, containing one acre and a quarter," for 99 years. Mr. Davis was a member of the common council. The consideration is stated to be the surrender of a former lease for his life and expenditure in improvements.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
24	Representatives of James O'Brien.	Vaults under the Court House.	£0 5 0

The lease of this holding is dated 10th March 1764; it is for 80 years, and appears to have been made in consideration of a fine of £152, which was to be applied in rebuilding the court house.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
25	Miss Sargent.	House in Castle Street.	£5 0 0

We have not ascertained the particulars of this holding.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
26	Henry J. Ingram.	Monegalagh.	£8 10 0

This appears to be one of those holdings, the demises of which are so severely animadverted on by the committee of 1761. The particulars relating to it, as we have been able to collect them from the registry search and corporation books, tend to show that in this respect the resolutions of the committee were not without foundation.

By a lease of 10th June 1747, the corporation demised to Arthur Roche premises described as "Latulla Field, with waste ground adjoining, and the little field or meadow adjoining the Black Boy turnpike gate, containing, in the whole, 11A. 2R. 15P., in the south liberties of the city of Limerick, for 999 years, at the rent of £2." An entry in the common council book of March 6 1746, contains a resolution that the council looked upon themselves "in justice bound to make some acknowledgment and recompense to Arthur Roche, Esq., alderman, town clerk of the city, for the several years he hath hitherto served and closely attended the office of town clerk, which did not produce to him an income suitable to such attendance and trouble, it manifestly appearing that the said Arthur Roche, from time to time, at the request of the several mayors, sheriffs, and many other citizens of the said city, remitted fees and perquisites due to him arising from the said office, from indigent and necessitous inhabitants, whereby he has suffered considerable losses." The next lease, appearing to be granted to Arthur Roche, is dated the 26th March 1747. It is a demise for 999 years, at £1 per annum, of "Moneygallagh Bog, otherwise Galvoane, otherwise Gallavone, otherwise English Moor, with strips of pasturable land round and adjoining same, containing about 40A. 1R. 13P.; also a field containing between five and six acres, adjoining the said bog; hospital land, containing near 10 acres, situate in the south liberties of the city; ground without St. John's Gate, parish St. Lawrence, in that part of the suburbs called the Spittle; about eight tenements and ground behind the same, inside St. John's Gate, near the city wall; ground within West Water Gate; premises in the Gate Lane; ground, with cabin thereon, between the two gates going to the little island, next the city wall, and opposite the chancellor's garden; a field, on the road from the city to Kilmallock." It appears that soon afterwards, by lease of the 14th November 1748, all the premises comprised in the two foregoing leases were granted for ever to Arthur Roche, with the following ground, viz.: "ground fronting the street without St. John's Gate; ground without said gate, opposite the house known by the name of the Harrow Green land; ground without St. John's Gate, 14 yards fronting the street; part of the Crontagh slate-house, without Thomond Gate;" at a rent for the whole of £8 10*s.*, being the rent now paid on this holding.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
27	Alexander Shearer, Esq.	House in Mardyke.	£3 0 0

CITY OF LIMERICK.

The lease of this holding is dated the 5th September 1758. It is made to John Vincent Burgess, for 999 years, of "the lands of Mardyke; plots without West Water Gate; Boherkeagh, Boherard, Traisten, commonly overflowed by the tide; and the waste plot of ground adjoining them, called the Wilderness." The rent reserved is £3. This lease recites a previous lease to John Vincent, in 1715, and the intention to build a custom-house, and reserves to the mayor, sheriffs, and citizens privilege to wash, bleach, and use all lawful exercises in the part not then quayed in, or to be appropriated to the custom-house; and that the quay should always remain open, paying to the lessee a reasonable quayage; and that 50 feet in depth of the lands of Mardyke, and 29 feet in depth of the other lands, were always to remain open for a quay.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
28	Representatives of Patrick Mealey.	House near Castle-street.	£7 0 0

This is believed by the chamberlain to be a holding demised to Thomas Vereker, Esq., by lease of the 1st July 1800, at £7 a-year. An order of the common council, of 7th October 1799, directed it to be advertised for 99 years, and describes it as "the lot of ground lately enclosed for a market, near the parade of the Castle Barrack."

No.	Tenant's Name.	Denomination.	Rent.
29	Cornelius Nash.	Carrigour Mills.	£16 16 0

This holding is demised by lease of 19th November 1831, as "ground on the river Shannon, called Carrigour Mills." The tenant covenanted to expend £500 in buildings, which were in great progress at the time of our visit. This holding had been held at £5 rent, under a demise for 99 years, in 1730.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
30	Miss Ingram.	Little Island.	£1 0 0

"The little island, in the parish of St. Mary, and middle ward of the city of Limerick," was demised at this rent to John Ingram, by lease of December 22, 1748, for the term of 99 years.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
31	Representatives of Amos Vereker.	Part of Cloon.	£5 0 0

It appears from the registry search, that "part of Cloon, containing two acres," was demised by lease of October 1, 1717, to Francis Serjeant, for 99 years, at £5 a-year; and a second lease, of the same date, of part of Cloon, containing two acres, appears registered for the same term, and at the same rent, to William Franklin. Part of the Cloon, or Old Gallows Green, containing six acres, and another part of Cloon, containing 1A. 3R. 24P., are comprised with other lands in a lease of 1737, to Peter Serjeant, for 99 years, at the rent of £7. These are the only leases we have found evidence of relating to premises of this description.

No.	Tenant's Name:	Denomination.	Rent, late Currency:
32	Representatives of James Sexton.	Holdings on Merchant's Quay.	£20 0 0

By a lease of October 4, 1739, the corporation demised to Mary Sexton "a house on the quay, two small patches near the Spittle on St. John's Garden without St. John's Gate, with houses, &c. thereon, for the term of 99 years, at the rent of £20."

No.	Tenant's Name.	Denomination.	Rent, late Currency.
33	Representatives of P. Roche.	Stores.	£0 10 0

The chamberlain stated that this holding consisted of large extensive stores, built for Mr. Philip Roche, deceased, and now occupied by Messrs. Kelly and Co. We have not found evidence of the particulars of the lease.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
34	Representatives of Rev. J. Hoare.	Plot in Scabby-lane.	£0 5 0

This was stated by the chamberlain to be a small plot of ground where the milk market is kept. We have not found evidence of the particulars of the lease.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
35	Mr. John Vereker.	House in St. Munchin's-lane.	£5 0 0

This is a feefarm grant, made by the corporation, by deed of January 27, 1747, to Charles Smyth, Esq., of "premises opposite St. Munchin's churchyard."

No.	Tenant's Name.	Denomination.	Rent, late Currency.
36	Mr. John Vereker.	Holdings on Merchant's Quay.	£0 5 0

This appears to be also held under a feefarm grant, to the same Charles Smyth, dated the same day, of "ground extending from the short tower on the quay, towards Mrs. King's Mills, containing 320 feet, to low water mark, in the parish of St. Mary, Middle Ward, city of Limerick."

No.	Tenant's Name.	Denomination.	Rent, late Currency.
37	Mr John Vereker.	Holdings, Assembly House Quay.	£5 0 0

The corporation book of leases contains a copy of a lease dated the 7th October 1765, to the same Charles Smyth, of "strand or ground on the north side of West Water Gate, extending from thence to Prior's Mills, leaving a street open for a passage to the river, and permitting a quay to be raised on the north side of 40 feet, for the term of 999 years, at the rent of £5." The chamberlain has returned 15 years of the rent as in arrear, and the payment of it is objected to by the owners or shareholders of the assembly house, who deny the liability of that building to the rent. Mr. John Vereker is only one of many shareholders, and he disclaimed all knowledge of the lease; nor could he say why, except as a shareholder, his name was introduced into the rental. It appears extraordinary that,

although this holding was comprised, in the same words, in the rental of 1822, returned by Lord Gort, when chamberlain, and the arrears of rent have been brought before the common council and Court of D'Oyer Hundred, as they accrued, by the chamberlain's accounts, no steps appear to have been taken to determine the legal liability of the premises, or even to institute an inquiry on the subject.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
38	Richard Moore, Esq.	Rhebogue.	£0 11 3

This is the only remaining chief rent paid to the corporation of those already enumerated.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
39	Mr. Fitzgibbon.	Ballyseeda.	£0 11 3

This is returned as 73½ years in arrear. We have already alluded to it as one of the old chief rents. The chamberlain stated to us, that he supposed the premises to be the residence of Thomas Gibbon Fitzgibbon, Esq., and had made application lately to him, who expressed his ignorance of such liability.

No.	Tenant's Name.	Denomination.	Rent, late currency.
40	Representatives of John Ferrar.	Holdings in Thomond Gate.	£2 10 0

This holding is under a lease of 2d June 1769, made to Peter Francis Sergeant, burgess, for 999 years, of "land between Mass-house-lane, and without Thomond Gate and Joint's Mills, containing 1R. 14P.," at the yearly rent of £2 10s.

No.	Tenant's Name.	Denomination.	Rent, late Currency.
41	Lord Viscount Gort.	Limekilns, &c.	£67 7 3

The circumstances connected with this holding are made the subject of special notice in the "Report of the Select Committee on the City of Limerick Taxation," p. 11. The premises comprised in it are thus classed, in the Return made by Lord Viscount Gort to that committee, Appendix B. No. 16, p. 209:

	£	s.	d.
No. 1, 2, 3, 4. Plots "called the Lime Kilns"	14	15	9
6. Plot in Irishtown, near to Francis-street	4	11	0
7. Plot in Garryowen	9	2	0
8. Plot adjoining Thomond Bridge	11	7	6
9. Plot called Hastings' Holdings	13	13	0
10. O'Meara's Plot	13	13	0
11. Plot adjoining high road at Pennyvell	0	5	0
	£67	7	3

This is the valuation which was made of the premises by a committee of three of the common council, appointed on the 28th June 1819. The resolution appointing this committee, their report of the 30th June, and the resolution of the council of the 11th October 1819, ordering a lease to be made to his lordship for ever, or for lives renewable for ever, according to the valuation, are printed in the Minutes of Evidence taken before the Select Committee on the Limerick Election. (June 1820, p. 69.) Lord Gort was then the chamberlain of the corporation, and, as a member of the council, signed the resolutions. Several of the lots had been some years out of lease, and it does not appear that any of them were advertised for letting. A committee was appointed on the 29th January 1817, to receive proposals for the different grounds and houses belonging to the corporation then out of lease, and to report to the common council their opinions as to the best mode of disposing of them, at a council to be held previous to the 25th day of March then next, from which time they would be let and possession given, if the value was offered. Lord Gort, as chamberlain, was a member of this committee. The common council, generally, were uninformed of the state of the revenues of the corporation, or the particulars of its rental, it not being then the course to submit the chamberlain's accounts to them, and the business of the committee of accounts was confined to the investigation of the expenditure. Whether the members of the special committee appointed to value the premises, were apprized of the income which the corporation derived from them since they had fallen out of lease, or of the former rents, we are unable to state, but their valuation, which was made in two days after their appointment, is silent on the subject. No inquiry was made by the council as to such particulars; and that body having, by its resolution of the 28th June 1819, agreed to let the houses and plots to Lord Gort, at a rent to be ascertained by the committee, acted implicitly on the report without further investigation. The following is the description of the extensive premises demised, as stated in the memorial in the registry office:

"Lots number 1, 2, and 3, called "Carr's Premises," situated near the new corn market, south suburbs of the city of Limerick, whereon was formerly a tan-yard, called "Carr's Tan-yard," and upon which was lately erected the new linen hall and butter weigh-house, bounded on the south and south-east with Carr-street, on the north by the lane or passage usually called "The Boherglass Road," on the west partly by Mr. Geason's ground, and on the south-west by Mr. Robert Baker's premises, part of which said lot is now included and enclosed within the said Robert Baker's concerns, containing in front to Carr-street 291 feet, and in depth on the Boherglass road, 203 feet, and at Carr's-lane, 168 feet, (be the same more or less:) as also all that and those the lot number 4, situate without West Watergate, commonly called "The Limekiln Concerns," as the same was originally demised to Alderman William Franklin, by the name of the "Limekilns, Garreencap, Garreenagom, Garreenaboy," with other little patches, originally in the occupation of Laurence White, Thomas Hacket, Richard Lillis, and one John Sexton, with the garden plot originally held by Bartholomew Rice, amounting in the whole to two acres or thereabouts, and set forth in the said demise to Alderman William Franklin, as bounded on the north with the high road, and stream from West Watergate to Garner's Mills, on the east with the highway under the city wall, on the west with part of Mr. Bowman and Colonel Pery's land, and in the centre with a plot of ground belonging to the church, lying and

CITY OF LIMERICK.

being in the south suburbs of the city of Limerick, in as full and ample a manner as the same was held and enjoyed by the said Alderman William Franklin, or his representatives or assigns, which said lot is now partly covered with the ruins of houses, old walls, some cabins, stores, and stables: as also all that and those the lot number 6, situate on the west side of St. John's-street, in the south ward of the city of Limerick, as originally demised to Alderman Richard Craven, for 99 years, from 29th day of September 1717, containing in length from the west side of the street 186 feet, and in breadth 16 feet, bounded on the south with Francis-street, and on the north with St. John-street, in as full and ample a manner as the same was held and enjoyed by the said Alderman Richard Craven, and those deriving under him: and also all that and those the lot number 7, being a plot of ground situate in Garryowen, in the south liberties of the city of Limerick, known by the name of Crotagh, as the same was originally demised to Alderman Randall Holland, for 99 years, from 29th September 1715, containing 2R. 20P., bounded on the south-west with part of the corporation land, formerly known by the name of "Hospital," and a garden originally held by Thomas Arstner, on the north-west with part of Crotagh, formerly called the "Market Place," and on the north-east and south-west with Killeene and the old walls of the abbey gate, in as full and ample a manner as the same was held by the said Alderman Randall Holland, his representatives or assigns, or by Mr. Michael Malony, of the city of Limerick, clothier: as also all that and those the lot number 8, being that parcel or plot of ground next adjoining the north-east end of Thomond Bridge, in the north suburbs of the city of Limerick, and upon which there are standing 14 dwelling-houses and shops, including the house formerly called the "Swan Inn," and extending from the house next the bridge, occupied by Mr. John Hodges, to the house near the slip beyond the Swan Inn, containing in front, or streetwards, 251 feet, as the same is now held and enjoyed by Arthur Gloster, Esq., and his several undertenants, and by Mr. James Moore and his undertenants, bounded in front partly by the great road leading to Ennis from Thomond Bridge, and partly by the passage to the Slip beyond the Swan Inn, and in the rear by the River Shannon: as also all that and those the lots numbers 9 and 10, situate, lying, and being without Thomond Gate, in the north suburbs of the city of Limerick, lately known by the name of "Hastings's Holdings, Halloran's-lane," "O'Meara's Plots," "Mathew Kenny's Concerns," including his limekilns, soap and candle stores, and dwelling-houses, and extending to Mass-lane; in which said lane there are three cabins now standing, said lots or parcels of grounds, namely, numbers 9 and 10, being next adjoining to each other, and bounded on the north by the high road leading from Limerick to Ennis, on the north-east with the street leading from Thomond Bridge, partly to the poor-house, and partly to the said Ennis road, on the south with ground belonging to the deanery of Limerick, and on the west and south-west the ground and holdings of —— Gloster, Esq.; upon one extremity of which said lots, part of Thomond Gate Chapel now stands, and the other extremity is terminated by Mr. Gloster's lawn and dwelling-house, in as full and ample a manner as the same was at any time held and enjoyed by the late Mr. Mathew Kenny, or his representatives or assigns, or by Mr. David Hastings, or his representatives or assigns, or by George Sexton, James Jaques, and Edward Vokes, or their undertenants, representatives, or assigns: as also all that and those the lot number 11, being a small plot of ground adjoining the road near Pennywell, in the south liberties of the city of Limerick, as originally demised to John Kendall, clothier, from the year 1702, containing 100 feet in length, and 37 feet in breadth at one end, and about 16 feet at the other end, lying and being at the bottom of the hill by Pennywell, on the west side of the high road leading to New Castle; bounded on the south with the lands formerly called "Gortneskea," and at the north with the high road, whereon was built a large cabin, in as full and ample a manner as the same was held and enjoyed by the said John Kendall, or his representatives or assigns, or by Mr. Richard Harrold, or his representatives or assigns, and now or late in the possession of Andrew James Watson, of the city of Limerick, Esquire."

It appears from the chamberlain's accounts of 1822, (Appendix B. to Report of Select Committee, No. 16,) that the following sums were expended in repairs of some of the holdings, by the corporation, while unlet:

		£	s.	d.
Years, ending 29th September 1814 and 1815—Limekiln concerns		28	16	6
,, Hastings' holdings		21	8	7½
,, 1816 and 1817—Limekilns		64	6	11
,, ,, Hastings' holdings		41	4	2½
	£	155	16	3

As to the plots called "The Limekilns," their superficial extent seems to be considerable; but their actual value is not easily ascertained, from the decay of the buildings and the uncertainty which appears to prevail as to their limits. We find, in the chamberlain's accounts of 1822, returns of sums received from small tenements on these plots, when out of lease, as part of the casual revenue of the corporation. These sums are:

	£	s.	d.
For the year ending September 1814	38	2	10
,, 1816	96	14	9
,, 1817	15	7	10½
,, 1818	8	0	0
£	158	5	5½

Although outside the walls of the Old Town, these plots are not within the New Town, properly so called; and any calculations of their value, founded on the condition of the latter, would afford a very erroneous estimate. The adjacent parts of the Old Town are in a state of wretched dilapidation, and partake of the common poverty and decay of that portion of the city. The plots are described in the report of the valuation as appearing to be a heap of ruins, and no satisfactory evidence was produced before us materially to contradict this description. But it appears that, by the original lease of 1717, these concerns were demised as containing two acres, a quantity which must in that situation comprise many buildings; and from the evidence of one of the valuators, given before the Select Committee on Limerick Taxation, it does not appear that the premises pointed out to them to value, were of more than half that extent. It also appears that one interest for which the gentleman in possession (a

member of the council, and who prepared the lease to Lord Gort,) paid the corporation a rent of £6 a-year, for five years, from 1817 to 1822, under the impression that the corporation was entitled to receive it, has been ascertained by him to be comprised in No. 4 of the above lots, and he has since accordingly paid the rent to Lord Gort. His lordship appears to have been resisted in taking possession of these plots, or some part of them, and proceedings by ejectment were commenced in 1829, by the law-agent of the corporation, under an order of the common council, of the 5th January 1829, which directed £100 to be paid to the law-agent, on account. The probable value of the plot No. 8, set down in the valuation at £11 7*s.* 6*d.*, is more easily ascertained. This plot is noticed in the chamberlain's returns of 1822, under the head of casuals, as Vokes's or Gloster's holdings. The lease of it expired in 1816, and it remained in the possession of the former tenant, Mr. Gloster, until set to Lord Gort. The old rent was only £5 10*s.* Mr. Gloster agreed to raise the rent to £50, and it is accordingly returned in the chamberlain's accounts of 1822 as actually producing that rent to the corporation in the years 1817, 1818, and 1819, when it was valued, as above stated, at £11 7*s.* 6*d.*, without any intimation to the common council of the rent then payable. This plot then contained 11 tenements, and we were furnished with a copy of a rental of them, as payable to Mr. Gloster at the time of the lease, to Lord Gort, amounting to £103 a-year. The valuation of 1819 states, that as the intended widening of Thomond Bridge would cause the removal of the most valuable of these tenements, the valuators estimated the ground at 10 guineas per year. None of the tenements have since been removed. The buildings are very old, and require considerable expenditure to keep them in repair. We have not the same definite information as to the value in 1819 of the next plots called Hastings' Holdings and O'Meara's Plot; but a person who deposed to his perfect acquaintance with them, stated to us that Hastings' holding would in 1819 have let for more than £40 a-year; that one tenant in O'Meara's holding paid £50 a year; and that there were besides 14 houses on it, worth at least the rent of £2 10*s.* each. Another witness deposed to his readiness to give £120 a-year for both, if let with power to surrender. The chamberlain's returns of 1822 show the following payments to the corporation out of Hastings' holdings, while out of lease:

	£.	*s.*	*d.*
Year ending 29th September 1812 - - -	67	7	2½
„ 1813 - - -	18	3	5½
„ 1814 - - -	166	5	8½
„ 1815 - - -	76	15	1
„ 1816 - - -	153	0	7½
„ 1817 - - -	61	2	6
„ 1818 - - -	59	1	0
„ 1819 - - -	34	8	3
	£636	3	10
Being an average for those eight years of -	£79	10	5½

O'Meara's plot is returned in the same account under the name of Deane's holding, as producing annually to the corporation the rent of £68 2*s.* 9*d.*, from 1816, when the original lease expired, to 1819, when it was valued to Lord Gort at £13 13*s.*

The house (No. 6 in the valuation) described as in Irishtown, near to Francis-street, appears in the same period, from those returns, to have produced £12 a-year, though valued only at £4 11*s.*

It thus appears, that in making this demise the corporation lost considerably in present income, without any pecuniary consideration, while the letting so many separate tenements for ever, without advertisement, and without information or inquiry as to the actual rental then derived from them, which appears only to have been known to the intended lessee, or to his deputy, the vice-chamberlain, appears to differ widely from the conduct which ought to be pursued by a body careful to discharge faithfully the trust committed to them, and impressed with a due regard for the public interests.

Nos. 42, 43, and 44, in the rental, are the tolls and customs, scavenger's lots and fishery, hereinafter noticed in detail.

No. 45 is a grant for ever of part of the lands of Gortacklins, called Collerboy, containing one acre, to the governors of the county infirmary. The yearly rent is stated to be £5 5*s.* in the rental; that mentioned in the registered memorial is £3 3*s.*

We find in the documents we have mentioned notices of a few other leases, apparently still subsisting, to which we are unable to refer any of the items of the rental.

The provisions of the Regulation Act, as to lettings of the corporate estates, appear well calculated to prevent the recurrence of such improvident demises as in too many instances had previously taken place, by ensuring a fair opportunity of competition, and imposing, at least, the check of publicity on the acts of the council, It may be doubted, however, whether the prohibition of leases in reversion might not be modified with advantage, especially in relation to houses in the old city. The tenant in possession is now precluded from securing a continuance of his interest even at an advanced rent, and has no motive to make even the expenditure necessary to the actual preservation of the buildings.

Fishery.

139. The first notice we find of the Fishery of the Shannon, is in the fifth year of Edward II., 14th July 1311, when a commission was made to the mayor, bailiffs, and commonalty of the city of Limerick, of the fishery of the water of "Shynen," for five years, rendering 16 marks a-year at the Exchequer. (Rot. Mem. 5 Ed. II. m. 47.) In the reign of Richard II. grants were made by the Crown of the custody of the fishery and of the King's wears, in the river Shannon; the first is to John Banbury, citizen of Limerick, at the rent of £20, (Rot. Pat. 10 Ric. II.) a further grant appears to the same person, (Rot. Pat. 12 Ric. II.) and in the same year a commission to the mayor and commons, and to Patrick Fox, at the same rent, for seven years. (Rot. Pat. 12 Ric. II.) In the first year of Henry IV. a grant was made for 10 years, to the citizens of Limerick, of 20 marks per annum, of the issues of the laywear, to be expended in aid of the repair of the bridges and walls of the city. In the third year of Henry IV. January 28, 1400, the custody of the pools of Limerick, called laywears,

CITY OF LIMERICK.

was committed to the mayor and commons, at 40 marks a-year, during pleasure. Forty marks of the profits and fishery of the laywears, were granted in the first year of Henry VI., to James Earl of Desmond, while constable of the castle, for the repairs of that building; and in the third year of his reign the same monarch granted to the earl 20 marks, of the profits of the fishery of the laywears of Limerick, by the hands of the mayor and bailiffs, for five years.

The title of the corporation to the fishery appears derived from the charter of the twenty-fifth Elizabeth, which granted to them all the wears and pools in the Shannon, within the liberties of the city, called the laywears and fishers-stent. A grant appears, however, to have been made of it to Sir George Preston, by Charles II., and after some litigation with him, the corporation agreed to purchase his interest, which he was empowered to dispose of by licence from the Crown, for £2,000.

Abstracts.

This fishery has formerly been a very considerable source of revenue to the corporation. It appears to have been demised by them in the year 1719, for the term of 99 years, at the rent of £352, and on a fine of £1,200. The rent reserved on that lease became in arrear, and on the 28th June 1819, the common council agreed to forgive the tenants £641. The laxwear was again set, by lease of 16th May 1825, to Mr. George Little, for 999 years, at the rent of £450. This gentleman was extensively engaged in fisheries, and he expended upwards of £1,000 in permanent improvements on the premises. His affairs became embarrassed, and a considerable arrear of the rent accrued. The corporation recovered the possession by ejectment for non-payment of rent, in the year 1827. The possession, however, was restored on payment of the rent then due; but after two years the corporation was obliged again to proceed by ejectment, and possession was finally taken in 1829, and by considerable exertions of the chamberlain, who went to Dublin and Scotland for the purpose, the arrear, amounting to £1,125, was recovered. The fishery was then placed, and had to the time of our visit remained in care of three of the members of the council, and unproductive to the corporation, the proceeds having been expended in payment of caretakers, and putting it in proper repair. It was advertised for letting in 1829, and some proposals received which the council did not approve of, and they determined to let it remain open for further biddings, and in the mean time to put the premises in repair. It was stated to us by the acting member of the committee, to whom it was intrusted, to be at the time of our visit nearly in perfect repair and fit for letting; that he had paid £1,107 14*s.* 4*d.* in repairs and current expenses; and he claimed a balance of £249 17*s.* 11*d.*, as due to him after giving credit for the receipts. He was one of those who proposed for it in 1830. We have since learned that it has been let on a lease of 99 years.

Serious injury is done to the fishery by the erection of standing nets lower down the Shannon, towards the sea. It was stated to us that the corporation at one time instituted proceedings to prevent such nets being erected, and succeeded on a trial had at Ennis; but the nets have been since allowed to remain, and the corporation has not latterly interfered to assert their rights against these practices, or to try their legality. The rights of the corporation are also encroached upon by persons who fish with nets at the mouth of the wear, a practice formerly resisted by the corporation and prevented by force.

The privileges to which the members of the common council are entitled out of the fishery, already noticed, amount in value to about £10 in the year.

King's Island.

140. We have stated the grant contained in the charter of 25 Elizabeth, of permission to the citizens to walk and exercise in the King's Island, a piece of ground of about 60 acres, close to the city. This privilege appears to have been enjoyed to a recent period; but the exercise of it is now prevented, the island having been completely enclosed since the year 1800, by Lord Gort, who holds it as constable of the castle of Limerick. The enclosure has been made upwards of 16 years, and apparently without remonstrance or objection on the part of the corporation.

Tolls and Customs.

141. The principal source of income to the corporation is from the Tolls and Customs, which have been rapidly increasing for some years, and for the year ending October 1833 were let for £3,706; and the gross annual produce of them, under favourable circumstances, has been estimated at £5,000, by a gentleman who recently rented them.

Nature of.

142. In the annual leases of them, they are now described as,

1. The tolls and customs of the city of Limerick, and the ingate duties and customs upon the articles subject thereto, as specified in a schedule annexed to the leases.

2. The tolls and customs upon horses, black cattle, and other articles sold in the market of the city, together with the tolls and customs upon the standings on market days, in the city; and

3. The tolls and customs of St. John's and St. James's fairs, yearly held in the county of the city of Limerick.

The schedule printed in the Appendix to the Report of the Select Committee of 1822 corresponds, with little variation, with that now used; but the tolls and customs, as leased, do not comprise those parts of that schedule which are described as "the mayor's duties," "the water bailiff's fees," "corporation duties," "measurer's fees," "cocquet duties and petty customs," and "pilotage up and down the river." The last is now vested in the Wellesley Bridge or Harbour Commissioners; the two first belong to the office of water bailiff, and the third to the weighmaster. The cocket duties and petty customs are not collected at all.

The schedule of tolls and customs and ingate duties and customs is very voluminous, enumerating almost every variety of the articles of commerce. The tolls and customs upon horses and cattle sold in the market, are,

	d.
Every horse, mare, or gelding - -	6
Every bull, bullock, or cow - -	4

The charge for standings on market days is 1*d.* for every standing (except for bread and salt.)

The charge for corn, &c. sold in the market is thus specified:

Toll of the Market.

"Out of every statute barrel of corn, grain, meal, flour, or potatoes one alequart, and rateably for a quarter or lesser quantity, the said alequart to be taken by weight and not by measure, during the continuation of the Act of 31 Geo. II.* for taking toll by weight."

The tolls and customs of St. John's and St. James's fairs are stated to be,

	d.
Every tent or standing - - -	4
Every horse, mare, or gelding sold -	6
Every bull, bullock, or cow sold - -	6
Every two year old sold - - -	2
Every yearling sold - - - -	1
Every sheep sold - - - -	1
Every lamb, after shearing, sold - -	$0\frac{1}{2}$
Every hog sold - - - - -	$0\frac{1}{2}$
Every metal pot or griddle sold in the fair	$0\frac{1}{2}$
Any piece of woollen goods exceeding 10 yards, every piece - - - -	2
Ditto under 10 yards - - - -	1

All the charges are in the late Irish currency.

Ingate Customs, Title to.

143. On the last occasion on which their right to the tolls and customs of the city, and the Ingate Duties, was called in question, the corporation, apparently for the first time, claimed to be entitled to them as toll traverse, and in the particular instance then in controversy succeeded in establishing the claim. Their charters, and the statements of the corporation on former occasions, seem, in some measure, inconsistent with this alleged origin of their Title.

The earliest instrument we find on record appearing to relate to customs in Limerick, is a grant by Edward II. in the fourth year of his reign (1311) of certain customs for five years to the mayor and good men of the city "for enclosing the suburbs with a stone wall." (Rot. Pat. 3, 4 Edw. II. m. 7. d.) This recites a previous similar murage grant by Edward I. for the same purpose. Edward III., in the forty-fifth, forty-sixth, and forty-ninth years of his reign, made temporary grants to the mayor, bailiffs, and commonalty, of the customs of the cocket, and other customs of merchandise due to the Crown, to be expended on the reparation and fortification of the city. The last of these grants, 1st September, 49 Edw. III. (1375) is for three years, and is enrolled. (Rot. Pat. 49 Edw. III. m. 18. f.) Richard II. made a like grant of a moiety of the cocket custom, in the first year of his reign, (1378,) to the mayor and commonalty for five years for the repair, fortification, and emendation of the walls of the city. (Rot. Mem. 5 Ric. II. m. 21. d.)

The charter of Henry V., as already stated, granted to the mayor and commonalty tolls "theolonia," and also the customs called cocket.

The first mention of ingate and outgate custom is in the charter of 25 Elizabeth, in which it is called "that small custom commonly called or named ingate and outgate custom," and is granted to the corporation.

In the ninth year of James I. a grant was made to the mayor, sheriffs, and citizens of Limerick, of all that great custom commonly called the cocket in said city, the liberties, or franchises of the same, howsoever arising or proceeding, or by whatsoever persons payable or to be paid, as well by land as by sea or fresh water, together with all pledges, fees, profits, monies, and emoluments to the said great customs called cocket, belonging or appertaining; also the seal belonging to the receipt of said custom, to the sole and proper use and behoof of the mayor, sheriffs, and citizens for ever, yielding 53*s.* 4*d.* Irish, at the Exchequer, at Easter and Michaelmas; saving the custom of poundage, viz. 1*s.* in the pound imported or exported. (Rot. Pat. 9 Jac. I. p. 1. m. 5. d.)

In 1672, upon complaints made to the Government of the exactions of illegal tolls by various corporate towns in Ireland, a proclamation was made by the Lord Lieutenant and Privy Council, requiring all mayors, &c. to return a perfect schedule of the tolls, &c. usually received in their corporations, and to insert therein which and how many of the said duties were granted to them by their respective charters, and upon what grounds they claimed, or pretended to any other duties than what were expressed in their said charters. A return was accordingly made by the corporation of Limerick, which first states "that they received the grand custome, called the cocquet custom, as well from aliens and strangers, as from natives, denizens, and freemen, for all native commodities exported, and goods imported," and the rates of which on the different commodities are set out in detail. The return adds: "These customs we claim by grant from King James and Queen Elizabeth of famous memory.

* 31 Geo. II. c. 9. s. 7, (Ireland,) continued for seven years by 7 Geo. III. c. 20, sec. 9, (Ireland,) but then suffered to expire.

CITY OF LIMERICK.

Petty custom of { ingate and outgate, } called { portage, pontage, murage.

A schedule of these is also set out, and after stating the charges on vessels, already noticed in our account of the office of water bailiff, and a charge of 13*s.* 4*d.* for pilotage, the return concludes thus: "These are the customs and duties received by the corporation, as well by grants made unto them, as by prescription and usage; whereout we are to maintain the walls of both divisions of the city, four drawbridges, two great stone bridges, one with five and the other with 14 arches, 12 gates, or posterns, in the city walls, above 10 bridges in the liberties, and in the several ways leading to and from the city at least 12 miles of paved causeway, and since the weare and mills were given away to Sir George Preston, we have not above £100 sterling per annum, in revenue, by houses or lands, more than the casual revenue arising by the above schedule."

This Return is printed at length in the Appendix B. to the Report of the Select Committee of 1822, No. 10.

The obligation to repair, stated in the Return, is further shown by entries in the corporation book of 1672, printed in the same Appendix, No. 11, which state that the King's levying process was in the hands of the sheriffs to levy fines amounting to £176 or thereabouts, imposed on the citizens and inhabitants for not repairing several highways and bridges thereafter mentioned.

The same entry states that the ways being repaired, the council intended to move the Exchequer to remit the fines.

In 1723, a petition was presented to the House of Commons from certain persons on behalf of themselves and several other gentlemen and farmers in the several counties of Clare, Kerry, and Limerick, complaining of exactions of tolls and duties illegally imposed by the corporation on the merchants and farmers, and a reference was made by mutual agreement to the chancellor of the exchequer, solicitor general, and Francis Barnard, Esq., to fully consider and determine the matters complained of, and upon an examination of the matter referred, they awarded that the tolls, customs, and duties, in a certain schedule annexed to their award, should be collected, and no greater. This award is signed by the arbitrators, the mayor, and several of the parties, and appears to have been acquiesced in for some time.

The water bailiff's fees are regulated by it. The award and schedule are printed in the same Appendix B. No. 15. An additional schedule appears to have been annexed to it of articles not enumerated in the first, and containing the following clauses:

"No gateage to be paid by any person from the suburbs to the town, for any goods whatsoever.

"Any thing herein omitted the custom to be regulated by the mayor for the time being."

This second schedule is not mentioned in the award, or signed by the referees. It appears by the evidence given before the Committee of 1761, to have been added in 1741, having been then agreed to at a meeting of some persons of the corporation and some of the merchants, but it is not clear on that evidence that the last clause was part of the agreement.

In 1761, the Committee of the Irish House of Commons, some of whose resolutions we have already stated, *ante*, p. 329, by one of their resolutions declared that there had been great extortions and abuses committed for several years past in the collection of the tolls at the gates, and in the markets of the city, and alleges that they were "sanctioned by the city magistrates." None of the resolutions impeach the right to the tolls, nor does it appear to have been questioned before the Committee. The award and schedule of 1723 are mentioned in the Report, and the tolls in the additional schedule, and those claimed on commodities not in either of the schedules, appear to have led to disputes then undetermined. The Committee find that an entry appears in the corporation books, dated the 13th October 1727, immediately after the schedule of 1723, whereby it was ordered that the customs of the gates of the city should be collected for all goods brought into the city, and no other, nor in any other manner, it being according to the ancient custom, and that true copies of said schedule should be put up in the several public places of the city to inform the inhabitants and others what customs and duties they were to pay for the future.

Until after the middle of the last century these tolls and customs and ingate duties were collected at the several gates of the old city, but as buildings increased in the direction of the New Town the old walls and gates fell gradually to ruin, and in some roads the toll houses were advanced towards the country, so as to intercept all articles coming to the city at its utmost limits. The right to the gateage of $\frac{1}{2}d.$ per bushel on corn was tried in 1789, in a suit against two of the toll collectors of the corporation, and found against them. The plea put in on that occasion stated the charter of James I., and claimed a prescriptive right to the gateage on all corn brought into the city or suburbs not the property of a freeman without showing in what right, whether as toll thorough or toll traverse.

In 1783 and 1792, complaints appear to have been made to the common council on the subject of tolls, and answered by them. In 1791, they agreed to suspend their claim to tolls and customs on goods by canal for about 10 months; the resolution was declared not to prejudice their rights, but to avoid litigation. In 1789, we find a resolution that corn brought into the suburbs, or city, for exportation, should pay gateage only, if exported within a year; but that, if any part was sold within the city, the whole should pay. In 1795, it appears to have been the intention of the corn merchants to litigate the tolls on corn, and the toll gatherers were directed to suspend taking toll for the present, but to receive the free tickets, as theretofore, from the merchants whose receipts were formerly suspended.

In the year 1808, the chamber of commerce became the tenants of the tolls on corn and

potatoes, and so continued for about 14 years. The arrangements made by them, as hereafter noticed, seem to have had, for that period, the effect of preventing litigation with the corporation; but, on the termination of this course of letting, the right to the tolls on corn was questioned and proceedings were taken by replevin to determine it.

The intention of the parties who resisted payment, seems to have been to try the right generally to toll on corn brought to Limerick, but the question disposed of was more limited.

The distress made by the toll collectors was of some corn at a place called Ballinacurra turnpike, about a mile and a quarter on the high road to the county of Kerry, from the old city gate, at which the toll had formerly been levied. The toll house had been advanced to Ballinacurra turnpike many years before.

The corporation, in their pleadings, claimed the right to take the toll on two grounds; either as toll thorough, or toll traverse. The considerations alleged by them for taking it as toll thorough were the obligation "to build, rebuild, and repair the gates of the city," and "to repair Thomond Bridge." In their claim of toll traverse they alleged that from time immemorial they were seized in fee of the place where the toll was taken. The toll was in all their pleadings claimed as payable on corn "not the property of any freeman of the city, or of any person legally exempt from payment of the toll, nor the produce of any lands within the county of the city of Limerick."

At the trial which took place at Cork in the summer assizes of 1824, before a special jury of the county of Cork, the corporation confined themselves to the claim of toll traverse, and relied, among other documents, on the charters of Edward I., Henry V., Elizabeth, and James I., the inquisition of 12 James I. hereinbefore stated, and some other inquisitions of that period showing individuals seised of land under the corporation. No evidence was produced on the opposite side, and the jury found that the corporation was immemorially seised in fee of the place where the toll was taken, and had received, from time immemorial, the toll in question for the liberty of passing over it. Objections were taken to the judge's charge, and argued in the Court of King's Bench, which court gave judgment for the corporation. The plaintiff in the suit died shortly afterwards, and the corporation were unable to recover the costs, which amounted to a very large sum. The costs of the plaintiff were in part defrayed by the chamber of commerce.

No attempt has since been made to question the title of the corporation to the ingate tolls.

The corporation do still repair Thomond Bridge, as stated in their pleadings, but the ancient gates of the city have long disappeared. A question was raised by demurrer on some of the pleadings, whether the corporation could claim toll for corn coming into the city and not passing over Thomond Bridge, under the Irish statute, 4 Anne c. 8. s. 2. This question does not appear to have been decided. A writ of error was in contemplation when the plaintiff in the suit died.

Goods by Canal.

144. The 16th section of the statute 7 Geo. III. c. 26, (Ireland,) which was passed for carrying on a navigation between Limerick and Killaloe, enacts, "that no duty, rate, or custom, whatever, save the rates therein mentioned, shall be taken for any goods, merchandises, or commodities carried by the said navigation to the city of Limerick." This clause has been relied on as exempting goods brought by the navigation from the ingate customs of the city, but the right to this exemption has not been tried and is not admitted by the corporation. The rates and duties mentioned in the Act are those given to the owners of the navigation, and it may, perhaps, be urged that the clause in question was intended merely to limit their demands. However, the exemption has latterly been submitted to by the lessee of the tolls and customs, and an abatement has been allowed to him by the common council for the losses alleged to have been thereby sustained in his receipts.

Corn grown in the County of the City.

145. The pleadings filed by the corporation put forward, as above noticed, a claim on Corn not the property of any freeman, or of any person legally exempt from payment of the toll, nor the produce of any lands within the County of the City of Limerick. In consequence of this last apparently admitted exemption, steps were taken in August 1824, by the committee of a society of gentlemen and farmers, called "The County of Limerick Agricultural Association," to obtain the benefit of it. A correspondence took place between the chairman of the committee and the mayor, who laid the matter before the common council. The latter body desired him to reply that they could not take it upon themselves to determine what effect the pleadings might bear upon the right of the corporation to toll on corn grown within the liberties, and that they must be excused from acting on the construction of them given by the agricultural association. The matter does not appear to have been further prosecuted, and the corporation has since levied the toll on all corn indiscriminately.

Goods coming into the Suburbs.

146. The ingate custom is only claimed on Goods coming into the city or Suburbs, and the pleadings in the late suit averred that the place in which the toll was demanded was within the suburbs. It is uncertain at this period what was the precise extent of the suburbs of the old city. If the murage grant of Edward II., above noticed, were alone regarded, it would seem that the city walls actually comprised the suburbs, but the charter of James I., directing the new admeasurement, implies that the suburbs were more extensive. It provides that the part measured to extend three miles from the walls of the city was, with the city and the ancient suburbs and liberties, to form the county of the city. One of the issues joined in the above suit was whether the place in question was within the suburbs, and the jury must have found that it was, though, in fact, upwards of a mile from the ancient walls.

Potatoes and Corn.

147. Potatoes were formerly subject to these tolls and customs and ingate duties, and to

CITY OF LIMERICK.

the market toll, and in the year 1808 the charges on potatoes, on this and other accounts, had the effect of so enhancing the price of the article, then scarce, that the country people avoided the markets, and stopped at the entrances into the city where they sold their potatoes. The chamber of commerce, in consequence, requested the corporation to give up the toll on potatoes for the remainder of that season, and proposed to reimburse out of their own funds whatever the corporation might be obliged to refund to the tenant of the tolls. This was declined by the corporation, but they suggested that the chamber of commerce might become the next year tenants of all the tolls, and regulate them as they thought fit. The Chamber of Commerce agreed for one year to pay the corporation £1,500 for all their claims on corn and potatoes, with the intention of relieving potatoes altogether from any charge, which they did accordingly. We have already stated the resolution of 1789, that corn brought into the suburbs or city for exportation should pay gateage only, if exported within a year. This resolution appears to have been acted on between the corporation and the farmers up to the time of the agreement with the chamber of commerce, corn brought in for exportation paying only ½*d* per Winchester barrel for gateage, while all used for the consumption of the city was liable to the toll of the market, which had become, as it now is, a money payment in lieu of the alequart mentioned in the schedule, but the distinction appears to have led to constant disputes between the farmers and toll collectors, and a further object with the chamber of commerce in making the above agreement was to put an end to those disputes. These money payments for toll of the market were 3*d*. for every barrel of wheat of 20 stone weight, 1½*d*. for every barrel of barley of 16 stone weight, and 1½*d*. for every barrel of oats of 14 stone weight. The chamber of commerce having made the agreement with the corporation announced it to the farmers, and declared that they would make no charge whatever upon potatoes coming to market, but pay the weighmasters of the different places, and all other expenses attending the potato market, and that the merchants would stop from such farmers as chose to sell their corn to them the rates payable to the corporation upon corn sold for home consumption, a regulation which their command of the market enabled them to enforce. The farmers appear to have approved of this change, and thus the same charge was imposed on all corn, whether bought for home consumption or for exportation, but the trade was relieved from the gateage duty, and from all the trouble and annoyance previously experienced from the disputes with the toll collectors, and the farmers were relieved from the charges on potatoes. The bargain was annually renewed to the year 1823, and while it subsisted appears to have proved satisfactory to the parties concerned. The chamber of commerce made a considerable profit of it, varying from £400 to £1,000 a-year; and it has been complained on the part of the common council, that the profits so made should have been applied by the same body against them, in resisting the custom on corn in the toll suit of 1824, and in supporting the expenses of the appeal committee in 1820.

Letting to the Chamber of Commerce.

The arrangement between the chamber of commerce and the corporation ceased in consequence of the agricultural association, already mentioned, having required the charges to be reduced to a uniform rate on all sorts of grain, to which the chamber of commerce objected. The corporation acceded, in the following year, to the rate proposed by the agricultural association for toll of the market, which was 1*d*. per barrel on all grain, but in the next year they again adopted a varying scale, which is that now charged, of 2*d*. per barrel on wheat, 1½*d*. on barley, and 1*d*. on oats. But it is at the option of the owner to deliver the alequart of grain in lieu of these sums, except as to the gateage charge of a ½*d*. per barrel, which is included in them, and which was the only charge in controversy in the toll suit in 1824. The rates are lower than those charged by the chamber of commerce. The corporation never resumed the collection of the toll on potatoes; in some instances their lessees, availing themselves of the terms of their leases, attempted to take such toll, but were prevented from continuing to do so by the corporation authorities. The loss to the corporation from the abandonment of toll on potatoes is said to be at least £400 a-year, the persons who proposed for the tolls in 1828 having required that reduction in their proposal when apprized that they were not to collect the toll on potatoes. There is not now any distinction between corn brought in for exportation and for home consumption, nor does there seem any valid reason for making one.

Ingate Duty on Leather.

148. Complaint was made to us of the oppressive nature of these tolls on hides and leather, which are among the principal commodities brought by land into the city. The schedule contains several items relating to skins; those on hides and leather are, "every hide tanned or raw, 1*d*.; every truckle (one horse car) load of dressed leather, 6*d*.; every horse load of ditto, 3*d*."

The lessee of the tolls could not specify to us the distinction between the two modes of charging. We were informed by a person in the trade that, at the charge of 1*d*. for each hide, a load might pay from 5*s*. to 15*s*.; that he considered dressed leather to mean hides cut previous to tanning; that they were cut generally into two pieces; and that instead of the load being charged either 3*d*. or 6*d*. according to the schedule, each piece was charged 1*d*. as a separate hide; and to show the unequal tax thus imposed on this article, he instanced the case of a bale of cloth, which, though worth from £500 to £600, would not pay more than 5*d*. or 6*d*., while a load of leather of the value only of £120 might pay 15*s*.

Other Articles.

149. No specific complaint was made of the pressure of the tolls and customs and ingate duties, on other articles. Gross abuses appear formerly to have been committed by the persons employed as collectors of them. The chamber of commerce did not interfere with any article save potatoes and grain; but in consequence of abuses committed in the collection of the tolls on other articles, they complained to the chamberlain, Lord Gort, and requested him to take measures to prevent the misconduct of the collectors. His Lordship expressed his

intention to comply with their request to the utmost of his power, and offered to give the collection of those tolls to the chamber at £100 less than was paid for them by the then tenant, whose rent was £500. This they declined, but steps were taken by Lord Gort, at their request, to correct the abuses by requiring the tenant to put up schedules at the places of collection, as required by law, and to warn his toll collectors against charging more, and to inform the country people to apply to the magistrates, if injured or ill treated, and his Lordship had the tenant's rent abated £100, on condition of his complying with this requisition. The practice of searching the persons of females for goods liable to toll was stopped, and several of the collectors were punished by the magistrates.

The lessee of the tolls considers himself entitled to charge toll on all goods passing through the city, and goods coming in, on their way to other towns, are accordingly charged; this, in fact, on articles of manufacture, amounts to a tax on home production, not imposed on goods imported into those towns.

We have already noticed the exemption claimed on goods by the canal.

Effect of the Verdict of 1824.

150. Upon the principle on which the corporation succeeded on the trial at Cork, if conclusively established by the result of that suit, the corporation must be considered authorized to collect the tolls and customs and ingate duties, at every place which they can show to have been at any time part of their estate, and at which the custom has been so long collected as to warrant a jury in finding it to be immemorial. The parties concerned against the corporation, on that occasion, do not, however, seem to consider the right then claimed to have been conclusively determined; the death of the plaintiff having, as it is alleged, prevented them from carrying the case to a Court of Error. But, as already observed, no new proceedings have been instituted, and the corporation consider the verdict to have finally established their rights, and act on it accordingly.

Tolls of the Market. Charter of James II.

151. The Charter of 1st Henry V. grants that the corporation may hold their Market as they were anciently accustomed to hold it. With the exception of that of James II. the other charters do not contain any further grant of power to hold markets. That charter contains an express grant of a market to the corporation on the present market days, Wednesday and Saturday; but, from the general provisions of the charter, we apprehend this was rather a restoration of rights previously enjoyed, than an original grant. The return by the corporation in 1672, does not notice market tolls; the proclamation of the Lord Lieutenant and Privy Council appears to have related principally to customs, tolls on duties claimed on goods imported or exported; and there is one item only in the schedule, then returned, which seems to be referable to this head, namely,

Every cow, bullock, horse sold, tolling, 4*d.*

This is described in the note of the ingate and outgate customs taken from the corporation book of 1680, and printed in the Appendix B. to the Report of 1822, No. 11, thus:

Every cow,
„ bullock,
„ horse,
} sold in the market, to be tolled 4*d.*

The present toll on cattle appears to have been settled in 1723, as the charges in the schedule then agreed on are precisely those now levied.

It is remarkable that, though described, and apparently claimed as market tolls, those on cattle and standings are classed in the schedules of ingate customs, and that no market toll on corn is found in the schedules of 1672 and 1723.

Toll of the Market on Corn.

152. The Toll of the Market, as taken on corn, has been already stated in our account of the letting to the chamber of commerce. It was formerly taken by measure, and by the evidence before the Committee of 1761, abuses appear to have been committed in respect of it by the use of improper measures. On the enactment of the 31 Geo. II. c. 9. s. 7, for taking toll by weight, the common council had experiments made on the weight of the alequart; and the following proportions were fixed, in 1758, viz. out of

	lb.	*oz.*
Every barrel of wheat containing four bushels -	1	9
„ oats „ -	0	15

and so rateably for a greater or lesser quantity. Abuses also appear by the same evidence to have taken place in this mode of collection; the quantities directed to be taken considerably exceeding those proportions.

On Cattle.

153. The toll on cattle sold in the market is in addition to the ingate custom. The proceeds of this toll have been diminished in consequence of the establishment of a cattle market by a private individual a few years since. The corporation market is in one of the public streets, the private market is in enclosed ground outside the old city walls, and is preferred by the owners of cattle. Attempts were made to enforce payment of the toll on cattle sold in this market as if sold in the old one, but resisted by the proprietor; and latterly the toll lessee has not persevered in the demand, but has made the circumstance a ground for seeking an abatement of his rent from the corporation, who have not taken any legal proceedings to question the acts of the owner of the new market. The latter makes the same charges on cattle sold there as were made by the corporation. He stated to us that the whole toll on cattle sold in his market did not amount to £30 in the year.

Standings.

154. The Standings in the market, for each of which 1*d.* is charged by the corporation, or their lessee, on market days, are a subject of much complaint, being, in fact, a serious obstruction to the public streets in which the markets are held. The inconvenience, or rather nuisance, has been hitherto suffered to continue without effective redress, the lessee of the tolls and customs objecting to the interference of the corporate authorities with, what he

CITY OF LIMERICK.

considered, his right of letting as many standings as he pleased. However the corporation has provided against such opposition to the exercise of municipal authority, and secured the power of correcting the evil complained of, by a clause recently introduced in the toll leases, that no tolls for stalls or standings on market days, or at St. John's and St. James's fairs, shall be taken to be demised to the lessee, save in respect of those which shall be set up in such parts and places of the city as the mayor shall appoint or approve of, by writing under his hand.

Tolls of the Fairs.

155. The grant of St. James's fair is contained, as already stated in the charter of Edward I. That of St. John's is found in the charter of James II., but, as observed of the grant of markets in the same charter, is, we apprehend, only a restoration of previous rights. The customs of St. James's fair appear to have been, by some usage, payable to the sheriffs prior to the Regulation Act.

Leases of the Tolls and Customs, and Security.

156. It appears that formerly the tolls of the city were let by separate gates. No letting ever appears to have been made for more than one year, nor do we find that the tolls were of late years directly collected by an officer of the corporation.

The terms of the letting to the chamber of commerce we have already stated. The tolls not rented by that body, were, for part of the same period, namely until 1816, let for £544; for the years 1817 and 1818, they were let for £500, which was reduced in the latter year to £400, and in 1820 to £360.

On the termination of the letting to the chamber of commerce, all the tolls and customs claimed by the corporation were let together, and are now so demised to the same individual.

The following are the rents at which they have been set since the year 1823:

	£
Year ending Sept. 29, 1824	1,500
„ 1825	1,700
„ 1826	2,020
„ 1827	2,120
„ 1828	3,010
„ 1829	3,100
„ 1830	3,560
„ 1831	2,050
„ 1832	3,414
„ 1833	3,706
„ 1834	3,502

The tolls are advertised for letting some time before the October meeting of the council. Sealed proposals, according to a printed form, are required to be sent to the mayor, and it is declared by the advertisement that the solvency of the parties proposing, and their sureties, will be particularly inquired into. It is also announced that should the proposals be considered inadequate, the tolls will be put up and let by public auction; this last provision was introduced in October 1831, and is stated in a Report made by the chamberlain to the common council, in November of that year, to have had the effect of raising the proposals from £2,050 to £3,414 for the year 1832. The tenant is latterly required to execute a lease, and he is also called on, with his sureties, to pass four promissory notes, each for a quarter's rent of the tolls, and payable on the first of January, first of April, first of July, and first of October. The letting must, of course, be approved of by the Court of D'Oyer Hundred. The schedule annexed to the lease contains the old charges on potatoes, but they are excepted out of the demise. The lease also contains the provision we have noticed as to standings, and to guard against the claims sometimes made by the lessee for abatements of the rent, the following clause is now introduced, viz. "that the reserved rent of £ shall be clear rent over and above all claims, allowances, deductions, or abatements whatsoever, for or in respect, or under pretence of any such freemen's exemption, as aforesaid, or the tolls, duties, or customs, on or for potatoes, as aforesaid, or the restrictions as to stalls or standings on market days, or at St. John's and St. James's fairs, as aforesaid."

The present tenant is a member of the common council, and has rented the tolls, either alone, or jointly with another person, in several years since they were given up by the chamber of commerce. In the other years of that period the tenants were also members of the common council.

The leases are prepared at the expense of the corporation; the lettings were formerly by verbal agreement; the change was made at the suggestion of the present recorder.

By the advertisement the proposer and his sureties are required to attend on the day appointed for declaring the tenant, and the proposals contain an agreement by them to do so, and to perfect their notes for the rent proposed. This, however, is not always strictly observed. In a late instance (October 1832) the proposed sureties, although they had signed the proposal, and, being members of the common council, had attended the meeting at which their principal was declared the tenant, and signed the council book, yet afterwards refused to sign the notes. The lease was, notwithstanding, perfected to the tenant, the chamberlain stating to us that the next bidder could not then have been accepted without a new meeting of the council and D'Oyer Hundred; that fresh advertisements should be published; and that the delays thus created would be productive of difficulties in the collection of the tolls, as the subsisting year would expire before a new letting could take place. It was apprehended also that so large a proposal might not be made. The chamberlain subsequently consulted with the law agent, who approved of the course pursued, on the ground that there

were sufficient materials in the proposal and council book to fix the sureties in case of default. The difficulties which appear to have been suggested on this occasion, may have been sufficient to warrant the perfection of the lease, but they equally evidence the prudence of enforcing a strict adherence to the terms of the advertisement and proposal.

Abatements.

157. The produce of the tolls and customs has in some years been diminished by claims for Abatements made by the tenants, in consequence of alleged losses from various causes; and the tenant latterly has declined defending, at his own expense, the right to tolls which may be resisted, relying on the resistance as a ground for seeking an abatement of the rent. This system is obviously very prejudicial to the corporation, but considering the heavy costs of the proceedings which might be necessary to try a disputed question on the subject, it cannot be expected that a person interested only in the tolls for one year would undertake such a contest.

An allowance or abatement of £225 appears to have been made in 1826 to the toll tenants, which the chamberlain stated to have been made for toll on flour by the canal, and on the goods of freemen. The tenant for the year 1830 has hitherto refused to pay one of the four notes for £890 each, which became due on the 16th of November in that year, relying on a demand claimed by him against the corporation for losses sustained in that year to an amount considerably exceeding that sum. No proceedings have been taken on either side to settle the account.

A considerable abatement has been made by the corporation to the present tenant for the tolls of 1832. The claim was for £1,085 14*s.* 7*d.*, partly founded on losses by the new cattle market before mentioned, partly on a loss from toll not being paid on herrings, and on corn and flour belonging to freemen, and on goods and corn by the canal, and partly on an alleged deficiency in the general produce of the tolls, by reason of the prevalence of cholera. The following is the statement of losses, as furnished by the tenant, and which was accompanied by his affidavit, that it was a fair statement of them:

	£	*s.*	*d.*	
Cattle market	164	11	3	
Ingate duty on 23,176 barrels of herrings, at 2*d.*	193	2	8	
Toll of the market on Mr. Roche's flour	37	4	2	Freemen.
„ Mr. Erson's	14	1	9	Freemen.
„ Mr. H. Lyons's	17	5	2	Freemen.
„ Mr. I. S. Brown's	13	1	2	Freemen.
Ditto on corn belonging to freemen	73	19	4	
Goods and corn brought by canal	193	14	10	
	£707	0	4	
Decrease on receipts from June to October 1832, when compared with former years, when tenant to the tolls	378	14	3	
	£1,085	14	7	

The claim was opposed by some members of the common council, and among others by Lord Gort, but an abatement was allowed to the tenant of £853 10*s.*, being the amount of one quarter's rent of the year. The abatement was confirmed by the Court of D'Oyer Hundred, but the above statement was not laid before them, though alleged to have been called for by some of the freemen. The chamberlain stated to us that it was not then produced, that not being the period for producing the vouchers for his allowance of the amount.

We have already stated the clause now introduced into the leases, against claims for abatements; but if the corporation is contented to yield to the several grounds of objection on which the above statement of losses appears founded, the clause should be more comprehensive, or the terms of the demise so framed as effectually to prevent the tenant from contending that it gives him the disputed tolls.

Exemption of Freemen.

158. The Exemption of Freemen is said to be confined to exemption from the ingate duties. They claim, however, it appears, to be also exempt from the tolls of the market; and one of the items of the above statement is founded on this claim. We find in the common council book of 1776, a resolution that it be an instruction to the collector of tolls that no person but a freeman who has been regularly sworn, and has obtained a docket, should pass goods free.

Expenses of Collection.

159. The Collection of the tolls is expensive. We are unable to state the exact amount; the present tenant informed us that he employed about 20 persons in winter and 10 in summer. It was alleged before us that the police force aided the collectors in compelling payment, but on investigation it appeared that they only attended to preserve the peace and prevent obstructions in the public passages to the city, particularly at Thomond Bridge, which is extremely narrow, and that they were expressly directed not to interfere in the collection of tolls.

Whether Letting by separate Gates advisable.

160. The tolls were formerly let by separate Gates. In reference to this mode of letting, the chamberlain in his report of November 1831, made to the common council, as to the best mode of letting the tolls and customs, objects that "the true distinct value of each of them could not for some years be ascertained, and it is probable that the mode of collection at the quays, and other water conveyances, canal, &c. would be more likely to be objects of contention and confusion, and there would be a diversity of inferior tenants, tending to bring

CITY OF LIMERICK.

the corporation into disrepute by extortion and improper demands on the several avenues and quays."

Scavenger's Lots.

161. The cleansing of the streets and lanes in the old city was formerly a considerable expense to the corporation; it is now a source of income. The change appears to have taken place in the year 1816. The following sums are mentioned in the chamberlain's accounts returned to the committee of 1822, as expended on this account in the preceding years:

		£	s.	d.
Year ending September 29, 1812,	Salary of city scavengers	119	0	0
1813	„	109	10	0
1814	„	179	5	0
1815	„	35	0	0

In the year 1816 this head of expenditure ceases, and we find the item of scavengers in the subsequent accounts under the head of casual receipts. The first entry is for the year ending September 1817, £64 2*s.* 6*d.* The amount has since increased, but is very fluctuating, as appears by the following Table:

	£	s.	d.
Year ending September 1818	78	12	9
1819	78	7	6
1820	100	9	6
(We have no accounts from this to 1824.)			
1825	105	4	0
1826	170	3	3
1827	139	4	2
1828	111	16	11
1829	104	0	0
1830	88	0	0
October 1831	147	0	0
1832	139	0	0
1833	114	10	0

The cleansing of the streets and lanes is let annually by public auction in five lots on the Monday succeeding the day of swearing in the new mayor. The purchasers are required to pay in cash for each lot at the time of auction. They are not bound to repair the streets, nor is there any officer of the corporation whose duty it is as such to see that they do not commit any injury to the pavement. The high constable is the conservator of the streets and roads in the city and liberties appointed by the grand jury.

We do not find that any expenditure has been made by the corporation on the streets and lanes from which they derive this income since it became productive. The repairs of them are still left to the grand jury, and defrayed by presentment. The sums presented for on this account appear to be less than the sums received by the corporation for the scavenger's lots.

Incidental Revenues.

162. Fines on leases, and the purchase monies of parts of their estates taken for public purposes, appear to be the only incidental sources of Revenue to the corporation. In our account of the rental we have noticed such instances of the former as have come under our observation. The following sums appear to have been received for purchase monies since the year 1812:

		£	s.	d.
1813, Feb. 8.	Ground on Scattery Island for a fortification	279	9	0
1819, July 8.	- - - - - - - - -	632	11	5½
1824, July 16.	Ground for the Lunatic Asylum (stock and interest) - - - - - -	1,091	17	8

Debts. Mortgages.

We have noticed, in page 380, the grant of the Island of Inniscattery, and the dues of oysters and herrings contained in the same grant. We find that in 1679, it was resolved to reduce the demand to 100 herrings and 200 oysters, half to be given to the mayor, and half to the sheriffs. The present claim to oysters by the mayor, appears to be a relic of this grant of the ancient possessions of the religious house of Synan.

Bond Debts.

163. The corporation appears formerly to have raised money by Mortgage of their estates. The last notice we find of a Debt of this nature is in 1805, when by a resolution of the common council a mortgage debt of £1,665 17*s.* 6*d.*, stated to be due to John Prendergast Smyth, Esq., afterwards Lord Gort, was ordered to be paid off.

By the chamberlain's accounts returned to Parliament in 1822, (Appendix B. to Report of Select Committee on the Local Taxation of Limerick, 1822, No. 16,) a balance appears against the corporation of £3,879 6*s.* 1*d.* on the summary of the expenditure and revenues for the 10 years ending 29th September 1821. This appears to have been nearly liquidated in the two following years On the 30th of June 1823, the chamberlain having expressed a wish to have his accounts investigated, three members of the common council were added to the committee of accounts, who made their report on the 29th of August following, by which they found a sum of £260 9*s.* 4*d.* due to the chamberlain, and various sums due for salaries to the officers of the corporation, and on other accounts. To discharge these debts it was recommended, on the opinion of counsel, that Bonds should be passed, which was afterwards done on the 28th of June 1824, to the several creditors, to the amount of £3,961 0*s.* 6*d.* These bonds have been all discharged, and the corporation is now free from any ascertained

debt. The claim for compensation on account of the tolls, already noticed, appears to be the only demand of importance alleged to be still pending against them. This is estimated by the claimant at £2,371 19*s.* 1*d.*, including the amount of his unpaid note for £890.

164. The Expenditure of the corporation has, since 1823, been governed by the following provisions of the Regulation Act: Expenditure.

Sec. 22. "And be it further enacted, that the following salaries, and no more, shall be paid annually by the said chamberlain of the said city out of the revenues of the said corporation, to the several officers undermentioned; that is to say: to the mayor five hundred pounds, to the recorder two hundred pounds, to the sheriffs one hundred and fifty pounds, and to the chamberlain the sum of five pounds *per centum*, on the net amount which he shall receive for the use of the said corporation, together with salaries for the several other officers of the said corporation, not exceeding the average salary received by them respectively during the seven years next preceding the commencement of this Act.

Sec. 23. "Provided always, that it shall be lawful for the said Court of Common Council and the Court of D'Oyer Hundred assembled, six days' notice, at the least, being previously given of the holding of such assembly, to increase or diminish the salaries of the officers aforesaid to such sums as they shall judge proper; but the same not to take effect for one whole year after the time of holding such assembly.

Sec. 24. "And be it further enacted, that no part of the residue of the public revenue of the said city shall be disposed of except to the public uses and charities of the said city, nor unless an order shall be previously made for such disposition of the same by the mayor and common council, and approved of by the Court of D'Oyer Hundred."

The income and expenditure, for the 10 years ending 29th September 1821, are stated in detail in the returns contained in the Appendix B. to the Report of 1822, No. 16. The income and expenditure, from the first of May 1824, the date of the appointment of the present chamberlain, to the spring assizes of 1833, were returned to the House of Commons by that officer on the 22d of July 1833, in obedience to an order of that House of the 17th, and have since been printed by an order of the House.

The following account of the income and expenditure, as lodged previous to the summer assizes of 1833, and which was passed by the common council and Court of D'Oyer Hundred, in October of that year, was furnished to us by the chamberlain:

CITY OF LIMERICK.

DR. The CORPORATION of LIMERICK in ACCOUNT CURRENT

1833.		£.	s.	d.	£.	s.	d.
Feb. 22.	To Paid Mrs. Crips, alderman's widow, half year's annuity, due 4th instant	3	13	10			
27.	Paid Mrs. Morris, burgess's widow, one year's annuity, due 8th March 1833	4	12	4			
March 4.	Paid Mrs. Collis, burgess's widow, half year's annuity, due 26th February 1833	2	6	2			
20.	Paid James Blackwell, high constable, quarter's salary, due 27th instant	2	10	0			
25.	Paid the Honourable J. P. Vereker, mayor, quarter's salary, due this day	125	0	0			
,,	Paid the twenty widows in the almshouse, quarter's annuity, due this day	9	4	7½			
,,	Paid Mrs. Roche, alderman's widow, one quarter's annuity, due this day	1	16	11			
26.	Paid the sheriff's bailiffs quarter's salary, due 25th instant	10	5	0			
,,	Paid the six petit constables ,, ,,	12	0	0			
,,	Paid George Osborne, organist ,, ,,	2	10	0			
,,	Paid Cole and Ryan, bellmen ,, ,,	3	0	0			
27.	Paid Benjamin Gamble, mayor's serjeant ,,	3	10	0			
,,	Paid Thomas Ebriel ,, ,,	3	10	0			
,,	Paid Thomas Roache ,, ,,	3	10	0			
,,	Paid John Hogan ,, ,,	3	10	0			
29.	Paid Richard Franklin and George Sexton, Esqs. sheriffs, half year's salary, due 25th March 1833	75	0	0			
April 1.	Paid J. B. Westropp, Esq. common speaker, quarter's salary, due ditto	18	9	3			
,,	Paid Mrs. Taylor, chamberlain's widow, half year's annuity, due 10th March 1833	3	13	10			
2.	Paid Mrs. Harrison, alderman's widow, half year's annuity, due 25th March 1833	3	13	10			
,,	Paid Nicholas Smyth, swordbearer, quarter's salary, due 25th March 1833	2	10	0			
4.	Paid Daniel Flanagan, ranger of the exchange, quarter's salary, due 25th March 1833	5	5	0			
6.	Paid Mr. Thomas Myles half year's interest, due 15th March, on bonds £140 Irish	3	17	6			
8.	Paid Edward Parker, Esq. half year's interest, due 15th March, on bonds £145 Irish	4	0	4			
,,	Paid Edward Parker, Esq. town clerk, quarter's salary, due 4th instant	12	10	0			
11.	Paid Mrs. Carroll, burgess's widow, half year's annuity, due 10th instant	2	6	2			
18.	Paid Carew Smyth, Esq. recorder, half year's salary, due 25th March 1833	92	6	2			
22.	Paid Mrs. Vincent, burgess's widow, one year's annuity, due 30th March 1833	4	12	4			
May 2.	Paid Mrs. Sarjent. alderman's widow, one year's annuity, due 11th instant	7	7	8			
3.	Paid Mrs. Jackson, burgess's widow, half year's annuity, due 1st instant	2	6	2			
22.	Paid subscription to the county infirmary, one year to 24th June 1833	3	3	0			
,,	Paid Mrs. Roche, alderman's widow, quarter's annuity, due 24th instant	1	16	11			
24.	Paid the twenty widows in the almshouse quarter's annuity, due ditto	9	4	7½			
,,	Paid the four mayor's serjeants, quarter's salary, due ditto	14	0	0			
,,	Paid the sheriff's bailiffs ,, ,,	10	5	0			
,,	Paid the six petit constables ,, ,,	12	0	0			
,,	Paid the Honourable J. P. Vereker, mayor, quarter's salary, due ditto	125	0	0			
,,	Paid George Osborne, organist ,, ,,	2	10	0			
26.	Paid excise office half year's quitrents, due Easter, 1833	11	13	5			
27.	Paid J. B. Westropp, Esq. common speaker, quarter's salary, due 24th inst	18	9	3			
,,	Paid Cole and Ryan, bellmen ,, ,,	1	10	0			
,,	Paid James Blackwell, high constable ,, ,,	2	10	0			
28.	Paid Mrs. Edwards, burgess's widow, half year's annuity, due 25th instant	2	6	2			
29.	Paid Nicholas Smyth, swordbearer, quarter's salary, due 24th instant	2	10	0			
July 2.	Paid John O'Brien, Esq. half year's rent main guardhouse, due 26th March 1833	32	11	0			
,,	Paid Crofton Vandeleur, Esq. half year's rent main guardhouse, due 1st May 1833	26	5	0			
4.	Paid William Furlong, Esq. law agent, on account of his costs, pursuant to order of council and D'Oyer Hundred	300	0	0			
,,	Paid William Gibson, Esq. toll tenant, in full for his claim for allowance respecting tolls, pursuant to order of council and D'Oyer Hundred	853	10	0			
,,	Paid Mr. Richard Hunt his account for clothing the mayor's serjeants, constables, &c. in the mayoralty of alderman Hunt	189	5	3			
,,	Paid Mr. George O'Connell his account for clothing the mayor's serjeants, constables, &c. in the first year of the mayoralty of Honourable J. P. Vereker	122	15	0			
,,	Paid Mr. William Erson his account for coal delivered for the use of the Exchange	15	13	0			
,,	Paid Edward Parker, Esq. town clerk, quarter's salary, due this day	12	10	0			
,,	Paid Messrs. Thomas and Francis Wilkinson, clerks of the market, half year's salary, due this day	25	0	0			
,,	Paid J. B. Westropp, Esq. common speaker, balance of one year's salary pursuant to order of council and D'Oyer Hundred, to 24th June 1833	6	3	0			
,,	Paid Alderman Vere Hunt his advance to Mr. D. Geary, for advertisements in his mayoralty	39	10	6			
,,	Paid alderman John Crips for costs and damages in the action against him by John Bermingham, pursuant to order of council and D'Oyer Hundred.	93	7	4			
5.	Paid J. S. Cooper, Esq. executor and administrator to the late Sir Christopher Marrett, balance of corporation bond for £430 12s. 2d. and interest	177	0	0			
,,	Paid for stamps on receipts, postages, and incidents	3	10	5			
,,	Paid the chamberlain's poundage on £796 19s. received per contra	39	17	0			
					2,582	13	0
,,	Amount of notes remaining for the credit of the corporation.						
	A. J. Watson's note due 19th November 1830	£890	0	0			
	William Gibson's note due 11th July 1833	926	10	0			
	,, note due 11th October 1833	926	10	0			
					2,743	0	0
,,	Cash balance for the credit of the corporation in next account				772	18	0
	Total				£6,098	11	0

E. E. Limerick, 5th July 1833.

with ALDERMAN D. F. G. MAHONY, Chamberlain. CR.

1833.			£. s. d.	£. s. d.
Feb. 14.	By amount of notes remaining for the credit of the corporation, per Account furnished this day, viz.:			
	A. J. Watson's note, due 19th November 1830 .	£890 0 0		
	William Gibson's note, due 4th October 1832 .	853 10 0		
	,, 8th April 1833 . .	926 10 0		
	,, 8th July 1833 . .	926 10 0		
	,, 8th October 1833 .	926 19 0		
			. . .	4,523 0 0
,,	By cash balance for the credit of the corporation		. . .	778 12 0
				£5,301 12 0

				No. on the Rent Roll.			
March 22.	By cash from Mr. Joseph Jones	half year's rent	due 29th Sept. 1832	7	46	3	1
,, ,,	D. F. G. Mahony, Esq.	,,	,,	19	55	7	8
,, ,,	Representatives of T. Norris	,,	,,	16	4	3	1
,, ,,	Representatives of P. Maley	,,	,,	28	3	4	7½
25 ,,	Miss Carrs	,,	due 25th March 1833	23	0	10	6
28 ,,	Joseph Henry	,,	,,	8	1	3	1
,, ,,	Representatives of J. Ferrar	,,	,,	40	1	3	1
30 ,,	Representatives of T. Norris	,,	,,	16	4	3	1
April 1. ,,	John Vereker, Esq.	,,	,,	35	0	2	4
,, ,,	John Vereker, Esq.	,,	,,	36	0	2	4
May 10. ,,	Representatives of Lord Perry	,,	,,	10	0	2	4
11 ,,	Miss Sargent	,,	,,	25	2	6	2
15 ,,	Mrs. Brady	,,	,,	21	1	12	4
,, ,,	Peter O'Brien, Esq.	,,	,,	24	0	2	4
,, ,,	J. N. Russell, Esq.	,,	,,	12	0	13	10
,, ,,	Thomas Kelly, Esq.	,,	,,	33	0	4	7½
16 ,,	Daniel Gabbet, Esq.	,,	,,	6	13	7	10½
17 ,,	Cornelius Nash	,,	,,	29	8	8	0
23 ,,	Doctor Vereker	,,	,,	31	2	6	2
31 ,,	Capt. Bar. Roche	,,	,,	13	1	7	8½
June 5. ,,	Representatives of Rev. J. Hoare	,,	,,	34	0	2	4
,, ,,	Representatives of Sir R. Harte	,,	,,	11	4	12	4
,, ,,	Representatives of J. Sexton, Esq.	,,	,,	32	9	4	7½
6 ,,	Representatives of C. Sargent	,,	,,	14	5	1	6½
10 ,,	Representatives of Miss Ingram	,,	,,	30	0	9	3
14 ,,	John Wight, Esq.	,,	,,	18	4	16	11
18 ,,	R. Moore, Esq.	,,	,,	38	0	5	2½
20 ,,	Representatives of —— Leslie	,,	,,	1	0	13	10
22 ,,	County Infirmary	,,	,,	47	2	12	6
24 ,,	Representatives of D. Bourke	,,	,,	20	2	17	8½
26 ,,	Representatives of Sir C. Marrett	,,	,,	22	15	15	0
,, ,,	Alexander Shearer	,,	,,	27	1	7	8½
July 3. ,,	Representatives of H. J. Ingram	,,	,,	26	3	18	5½
4 ,,	Joseph Crips, Esq.	,,	,,	15	1	2	2
,, ,,	Henry Watson, Esq.	,,	,,	3	50	0	0
,, ,,	Alderman Mahony	,,	,,	19	55	7	8
,, ,,	Representatives of Stamer	,,	,,	4	0	5	6½
,, ,,	Representatives of J. Wallace	,,	,,	9	2	6	2
,, ,,	Representatives of J. Sargent	,,	,,	17	5	10	9
,, ,,	Lord Viscount Gort, for all rent due by him for the Lime-kiln concern to 25th March 1833			41	434	7	4
,, ,,	Joseph Jones,	half year due 25th March 1833 .		7	46	3	1
,, ,,	Representatives of P. Maley	,,	,,	28	3	4	7½
							796 19 0

Total . . £6,098 11 0

D. F. G. MAHONY, Chamberlain.

CITY OF LIMERICK.

The accounts from September 1821 to May 1824, though among those called for by the order of the House of Commons, were not returned, nor were they produced to us. They comprise those of Lord Viscount Gort, as chamberlain, which were investigated by the committee of accounts in August 1823. His lordship's successor, William Taylor, Esq. held the office only a few months, having died early in 1824. We did not find that Lord Gort's accounts were in the possession of any officer of the corporation. In his reply to our communication requesting his attendance before us on the Inquiry, which his Lordship declined, he stated as one of the reasons for considering that he did not come under the general description of "other persons" alluded to in the Commission, that he had not any roll or document belonging to the corporation in his possession or within his control. From the evidence given before us, it would appear that the accounts on being investigated were returned to Mr. Morris, the vice-chamberlain, since deceased, and remained in his possession until his death, when they came into the possession of his widow and representative with the other chamberlain's accounts of the late and present Lord Gort. It was stated to us that one chest not containing any corporate documents was delivered by her to Lord Gort, but that she had refused to give others to his lordship, though repeatedly applied to for them. Mrs. Morris having removed from Limerick, we wrote to her, and, in reply, she stated that she was not aware of having any books or papers belonging to the corporation in her possession, and that no application was ever made to her, until the day of the receipt of our letter, for any corporation papers.

One of the members of the common council, who was added to the committee of accounts in 1823, deposed that the investigation of his lordship's accounts took a considerable time, and was conducted by the most intelligent members of the council; that they were thoroughly investigated, and vouchers produced; and that all the members of the committee were satisfied of the correctness of the accounts as finally passed.

The following summary of the expenditure and receipts, from May 1824 to the summer assizes of 1833, was furnished to us by the chamberlain:

003

DISBURSEMENTS.

No.		Irish. £. s. d.	British. £. s. d.
1	Disbursements to within 14 days of Summer Assizes 1824	848 11 1½	
2	,, ,, Spring 1825	2,319 0 1½	
3	,, ,, Summer 1825	1,420 16 2	
4	,, ,, Spring 1826	1,292 19 9½	
5	,, ,, Summer 1826	991 11 3	
6	,, ,, Spring 1827	1,360 14 1½	
		Irish £8,233 12 7	
		making British .	£7,600 5 5½
7	,, ,, Summer 1827	. . .	147 18 11½
8	,, ,, Spring 1828	. . .	3,854 18 4
9	,, ,, Summer 1828	. . .	1,039 15 7
10	,, ,, Spring 1829	. . .	2,755 11 1
11	,, ,, Summer 1829	. . .	1,008 9 11
12	,, ,, Spring 1830	. . .	2,404 8 3
13	,, ,, Summer 1830	. . .	1,407 18 2
14	,, ,, Spring 1831	. . .	2,482 15 4
15	,, ,, Summer 1831	. . .	707 8 1½
16	,, ,, Spring 1832	. . .	1,227 3 5½
17	,, ,, Summer 1832	. . .	2,423 8 11½
18	,, ,, Spring 1833	. . .	1,152 12 0
19	,, ,, Summer 1833	. . .	2,582 13 0
		Total Disbursements	£30,795 6 7½

RECEIPTS.

No.		Irish. £. s. d.	British. £. s. d.
1	Receipts to within 14 days of Summer Assizes 1824	848 7 0½	
2	,, ,, Spring 1825	2,303 18 4½	
3	,, ,, Summer 1825	1,247 1 7	
4	,, ,, Spring 1826	1,480 7 2½	
5	,, ,, Summer 1826	716 12 8½	
6	,, ,, Spring 1827	1,437 2 8½	
		Irish £8,033 9 0½	
		making British .	£7,415 10 5½
7	,, ,, Summer 1827	. . .	264 16 11½
8	,, ,, Spring 1828	. . .	3,955 17 4
9	,, ,, Summer 1828	. . .	1,006 13 7
10	,, ,, Spring 1829	. . .	5,063 12 1
11	,, ,, Summer 1829	. . .	183 13 3½
12	,, ,, Spring 1830	. . .	3,831 13 3½
13	,, ,, Summer 1830	. . .	661 11 9
14	,, ,, Spring 1831	. . .	2,483 12 4
15	,, ,, Summer 1831	. . .	191 2 1½
16	,, ,, Spring 1832	. . .	3,694 14 5½
17	,, ,, Summer 1832	. . .	688 3 2½
18	,, ,, Spring 1833	. . .	4,073 4 9
19	,, ,, Summer 1833	. . .	796 19 0
		Total Receipts .	£34,311 4 7½

Disbursements less than the Receipts by . . £3,515 18 0
and which £3,515 18 is composed of the following, viz.

Note of A. J. Watson's . .	£890 0 0
,, Wm. Gibson's . .	926 10 0
,, ,, . .	926 10 0
Cash Balance . . .	772 18 0
	£3,515 18 0 July 5, 1833.

CITY OF LIMERICK.

We have prepared the following abstracts of the accounts for the 10 years ending the 29th September 1821, and the nine years ending Spring Assizes 1833, showing the total disbursements for each important branch of expenditure in those periods:

Ten years, ending September 29, 1821.

ORDINARY EXPENDITURE.

	£	s.	d.
Salaries of officers	9,377	10	0
Clothing inferior officers	1,022	14	4½
Quitrents	268	11	2½
Rent of the corn market	568	15	0
„ sheriff's office	200	0	0
„ diocesan school	270	0	0
„ main guardhouse	705	5	0
„ storage for potatoe scales	22	15	0
Taxes and insurance of the Exchange	126	12	4½
Annuities to aldermen and burgesses' widows	990	0	0
„ Almshouse widows	400	0	0
Paid scavengers (to 1815)	442	15	0
Mayor's contingencies	409	8	6½
Newspapers	134	1	9
Printing, stationery, &c.	1,364	6	8
Allowance to chamber of commerce, on toll agreement, for clerks, £20 a-year, to 1815	80	0	0
	£16,382	14	11

CONTINGENT DISBURSEMENTS.

	£	s.	d.
Costs in mandamus suits, &c.	7,591	7	4½
Sundry expenses attending the several petitions and proceedings	2,002	12	5
Paid Lord Gort expenses of election petition in 1819	800	0	0
Stamps	1,011	14	7½
Corporation dinners	201	9	6
Repairs and lighting Exchange	782	1	10½
Furniture	33	1	1
Repairs, &c. of premises out of lease	170	2	1
Surveying	11	18	10½
Expenses at the corn market	92	1	4½
Expenses relating to other markets and tolls	304	1	11
Corporation gallery in the cathedral	141	2	3
Fine and costs of lease of guardhouse	68	12	4½
Repairs of ditto	71	3	9
Guardhouse at Thomond Bridge	25	16	6
Repairs of the almshouse	67	19	11½
„ diocesan school	20	13	3
Sundry charities	184	2	9
Repairs of causeway	67	18	8½
„ Thomond Bridge	53	14	6
Costs attending purchase of part of Scattery Island, by the Crown	279	9	0
(This was the entire amount of the purchase money.)			
Expenses at Scattery Island	8	8	0
Box, for complimentary freedom	25	18	10
Sundries not classed	44	18	2½
Percentage to the vice-chamberlain, 1818 to 1821	268	5	3
Sundry expenses, not specified, per the sheriffs	22	9	6
„ „ per town clerk	5	5	3½
	£14,356	9	3
Total expenditure (late Irish currency)	£30,739	4	2
Making, in present currency	£28,374	13	1

Nine years, ending Spring Assizes 1833.

ORDINARY EXPENDITURE.

	£	s.	d.
Salaries	10,322	14	1
Clothing inferior officers, &c.	1,308	4	6
Quitrents	219	13	3½
Rent of the corn market	472	10	0
„ sheriffs' office	167	13	8
„ guardhouse	762	8	4
Carried forward	£13,253	3	10½

	£	s.	d.
Brought forward -	13,253	3	10½
Rent, &c. of potatoe scales - - - - -	28	13	8
Annuities to aldermen and burgesses' widows - -	639	19	9½
„ almshouse widows - - - -	332	6	3
Mayor's contingencies - - - - - - -	228	1	10
Newspapers - - - - - - - -	47	9	11½
Printing, stationery, &c. - - - - - -	1,045	14	0
Rent of house at salmon wear, five years and a half, to 1825 - - - - - - - - -	35	10	9½
	£15,611	0	2

CONTINGENT DISBURSEMENTS.

Costs of toll suits, &c. - - - - - - - -	2,701	3	4
Costs of proceedings relating to Scattery Island, and expenses of keeping possession thereof - - - (Of these costs, a sum of £117 2s. 11d. was received by the corporation.)	712	11	11
Stamps - - - - - - - - -	37	7	5½
Allowance to toll tenants - - - - - -	503	13	4½
Entertainments - - - - - - - -	53	2	8
Repairs and other expenses at Exchange - - -	279	16	7
„ premises out of lease -	67	17	4
Surveying - - - - - - - - -	3	16	11
Expenses at the corn market - - - - -	119	10	8½
Repairs, &c. at guardhouse - - - - -	40	0	0
„ almshouse - - - - -	84	16	2
Sundry charities - - - - - - -	576	2	0
Repairs of causeway - - - - - -	134	14	8
„ Thomond Bridge - - - - -	99	6	4
„ White Hall Bridge - - - -	20	0	0
„ quays - - - - - - - -	87	2	2
Allowance of rent on Scattery Island - - -	204	15	0
Discount on toll notes - - - - - - -	138	10	5
Boxes for complimentary freedoms; portrait of Lord Gort, 200 guineas; and gilding pictures - Gold chains for mayor and sheriffs - - -	447	0	10
Sundry expenses not classed - - - - -	117	14	9½
Principal and interest of bond debts - - -	4,496	16	2
Percentage to chamberlain - - - - -	1,675	14	5½
Total expenditure (British currency) -	£28,212	13	7½

Observations on the Expenditure before 1821.

165. Of the contingent disbursements of the years preceding September 1821, the sum of £10,393 19s. 10½d. is composed of charges appearing to be almost wholly connected with the political contest between the common council and the independents, in its various stages in the courts of law, and before Committees of Parliament. The Expenditure of £1,011 14s. 7½d. for stamps appears, by the evidence given before the Select Committee of 1822, to have been principally for stamps provided by the common council for the admissions of honorary and non-resident freemen. So large an expenditure, in the defence of their exclusive political power, and the resistance of rights, which were in every instance established against them and in favour of the citizens, naturally produced strong feelings of dissatisfaction in their opponents, and those who have been anxious to have the public revenues of the city made available in aid of the local taxation; and has been the subject of much observation, in reference to the public purposes for which it is now finally declared by the Regulation Act those revenues were granted. This expenditure, however, all took place before that statute was passed, and the recurrence of a similar application of the corporate income seems not probable under the restrictions now imposed. The consequences of this disbursement were, that the corporation incurred the debts for which bonds were passed in 1824; and the discharge of those bonds out of the revenues of the subsequent years has, until 1833, tended to deprive the corporation of any surplus available to the public uses and charities of the city.

The destination of the city revenues to public uses seems, in fact, to have been questioned by the common council a considerable time before this expenditure was made, although so fully acknowledged in the Return of 1672, and afterwards declared by the first resolution of the Committee of the Irish House of Commons, in 1761, which is, "That it appears to the Committee, that the estate and revenues of the corporation of the city of Limerick are vested in the whole corporate body, for the public uses of the city." A series of resolutions were, at the period of those proceedings, 29th August 1761, proposed by Mr. Pery to the common council, one of which declares the surplus revenues, after payment of salaries to officers and charities, to be for the public uses of the city and no other; but on the 18th October 1762, it being moved that the council would enter into a resolution that the estate and revenues of the corporation were vested in the corporate body for public uses, a

CITY OF LIMERICK.

resolution was passed to postpone the consideration of the question, and we have not observed that the subject was again resumed.

Many of the ordinary and contingent disbursements of the ten years preceding September 1821 may, however, be properly classed under the head of expenditure for public uses. The salaries of the municipal officers, the rents and repairs of the corn market and other public buildings, the payments to scavengers, and the repairs of Thomond Bridge and the Causeway, are of this description; and, although inconsiderable in amount, it appears that in addition to the charitable annuities paid by the corporation, some payments were made to charitable purposes.

Expenditure since 1824.

166. The expenditure since 1824 has not, from the reason already stated, been much more productive to the public uses and charities of the city.

In consequence of the change of currency, the salaries of the officers have been, in the past year, raised to British money; a principle of increase which might with equal, or more propriety, have been applied to the small charitable annuities paid by the corporation.

Among the contingent disbursements of 1833 is a sum of £93 7*s.* 6*d.*, part of the costs of an action for false imprisonment, brought against one of the charter justices, who, at petty sessions, signed the warrant of committal to prison, of a person who had been sent from Dublin with an execution, and was charged with insulting one of the sheriffs in the discharge of his duty. The committal was in default of bail by the party charged, and he was kept in confinement two months in the city gaol. A verdict was found against the magistrate for £10 damages. Application was made by him to the Lord Lieutenant for the amount of the costs, as having been incurred in the discharge of his magisterial duties, but was refused. The costs and damages amounted to £116 19*s.* 3*d.*, and the common council ordered payment out of the city revenues of £93 7*s.* 4*d.*, on account. The order was confirmed by the Court of D'Oyer Hundred.

We conclude from the result of the action that the committal was illegal; and whatever may have been in other respects the merits of the action, upon which we pronounce no opinion, it does not appear to us that this payment can be justified as a legitimate application of the revenues to public uses. The Regulation Act does not, indeed, define what are the public uses to which the revenues are to be applied, but, considering the general meaning of those words, and the evidence on which that part of the Act appears to have been founded, we cannot arrive at the conclusion, that they are designed to confer impunity on the corporate authorities for illegal acts committed in the exercise of their functions.

Supposed Annual Expenditure.

The chamberlain has furnished us with the following estimate of the supposed Annual Expenditure of the corporation, amounting to £3,000, viz.:

1833. Supposed Annual Disbursements, Corporation of Limerick.

		£	*s.*	*d.*
Salaries:	The Mayor	500	0	0
	Sheriffs	170	0	0
	Recorder	200	0	0
	Town Clerk	50	0	0
	Clerk of the Market	50	0	0
	Four Mayor's Serjeants	56	0	0
	High Constable	10	0	0
	Six Petty Constables	48	0	0
	Four Sheriffs' Bailiffs	41	0	0
	Ranger of Exchange	17	0	0
	Swordbearer	10	0	0
	Organist	10	0	0
	Two Bellmen	6	0	0
	Common Speaker	80	0	0
	Clothing Mayor's Serjeants, Constables, and Bellmen,	130	0	0
	Clothing Bailiffs	50	0	0
Charities:	Twenty widows at almshouse	36	18	6
	Five „ aldermen's } Nine „ burgesses' }	78	9	3
	Subscription to County Infirmary	3	3	0
Rents:	Quitrents	23	6	5
	Market house	52	10	0
	Main guardhouse	65	2	0
Sundries:	Interest on bonds £494 1*s.* 6*d.*	29	12	10*
	Printing, advertising, and stationery, say	200	0	0
	Law expenses, say	350	0	0
	Chamberlain, say	200	0	0
	Carried forward	£2,467	2	0

* Since paid off.

Brought forward -	£2,467	2	0
Sundries: Repairs to almshouse, exchange, guardhouse, cornmarket, bridges, &c., say - - -	50	0	0
Causeway road - - - - - -	19	4	11
Mayor's contingencies - - - - -	20	0	0
Coals for exchange - - - - -	18	0	0
Various casualties and other matters, say -	130	0	0
	£2,704	6	11
Suppose occasional claims of charity, &c. - -	300	0	0
	£3,004	6	11

Leaving a disposable surplus, if the revenues continue at their present amount, of at least £1,000. It was stated to us to be in the contemplation of the common council, to employ these surplus revenues in widening Thomond Bridge, building a mansion house, and purchasing ground for sites for the public markets.*

Mode of accounting before the Regulation Act.

167. There was not any regular period or system of accounting for the corporate revenues before the enactment of the Regulation Act. The chamberlain's accounts were rarely submitted to the common council, but appear to have been laid before a committee of that body, called the "Committee of Accounts," who reported to the council the balance in the chamberlain's hands, or due to him, and the arrears of rents due; but, with these exceptions, the state of the corporate revenues and estates were comparatively unknown to the members of the common council. The freemen and citizens at large were entirely uninformed upon the subject.

Information in 1816.

An attempt was made in 1816, by application to the Court of Chancery, by information, to obtain an account of the revenues. This information was filed by the attorney general, at the relation of John M. Tuthil, a freeman of the city, on behalf of himself and the other freemen, against the then chamberlain, (the late Lord Gort,) and the mayor, sheriffs and citizens. The object of it was to compel the chamberlain to account, and to have a receiver appointed. The information stated that the estates and revenues were vested in the corporation for public uses. Separate demurrers were filed by Lord Gort and the corporation; the former denying that he was bound to account to any one but the corporation, as their chamberlain, and the corporation asserting that the Court of Chancery had no jurisdiction by information over a municipal corporation, even in case of a misapplication of their revenues by them; and asserting further, that the corporation had an absolute and unqualified right to dispose of their estates and revenues, not subject to any trust, and without being liable to any account whatever. These demurrers were overruled, first by the Master of the Rolls, secondly by the Lord Chancellor, and finally on the appeal of Lord Gort and the corporation, by the House of Lords, and the accounts were directed; but Lord Gort died shortly after, and the suit in this way terminated, no receiver having been appointed, and the proceedings have not since been revived. The case is reported 6 Dow's Parliamentary Cases, 136.

Some of the accounts sought for by the information of 1816, were furnished in the Returns to the Committee of the House of Commons in 1822. The accounts so furnished are, in many particulars, very deficient in information, and state, as to some important charges, nothing from which the propriety or nature of the expenditure can be satisfactorily determined. This applies particularly to the large disbursements for costs contained in those accounts. The sum of £2,002 12*s.* 5*d.* is stated in one item, as we have above extracted it, "for sundry expenses attending the several petitions and proceedings," without any further information or specification of details. Other charges are almost equally vague; and we are not certain, that in the abstract above given, we have always succeeded in classing the particulars of this expenditure under the appropriate head.

Mode of accounting since the Regulation Act.

168. A marked contrast to this imperfect and unsatisfactory system is presented in the accounts since 1824. The improvement, we cannot doubt, is mainly attributable to the provisions of that statute, and the wholesome check of publicity thereby to some extent introduced; but we think it is also in no small degree due to the very careful and scrupulous regularity observed by the present chamberlain, in the performance of this part of his official duties, as we do not find that the arrangements made under the Regulation Act, are calculated to ensure that accurate scrutiny of the public accounts which it would seem to have been the object of the Legislature to attain.

We have noticed, in our account of the functions of the chamberlain, the section of the Act which requires him, 14 days at the least before each assizes, to lodge his account with the town clerk and common speaker. These provisions are punctually observed by the chamberlain; but no committee, either of the common council or Court of D'Oyer Hundred is appointed to investigate the accounts. The examination takes place in open court, the chamberlain attending with the vouchers, but the freemen are previously ignorant of the details to be submitted to them, and the entire examination occupies only about half an hour. It consists, in fact, of little more than a verification of the items by the orders of the common council and Court of D'Oyer Hundred for each payment, and the receipts of the parties to whom the payments

* We have, since the above was written, been informed that the corporation has proposed to borrow from the commissioners of public works, on the security of the surplus revenues, the sum of £,9000 to be expended in rebuilding Thomond Bridge.

CITY OF LIMERICK.

have been made. The propriety of the expenditure is considered as conclusively settled by the previous orders for payment, although, as we have before noticed, those orders are submitted, in the first instance to the Court of D'Oyer Hundred for approval, without communication of the documents on which the council determined on their propriety. A previous publication of the accounts and of the orders of the common council, some days at least before the meeting of the Court of D'Oyer Hundred, with a communication to the latter of all the documents laid before the council in support of them, appear still wanting to the efficiency of the present system. It would, of course, be necessary in making such arrangements, to adopt a suggestion made to us during the Inquiry, of extending to several days the interval between the meetings of the respective courts.

Committee of Accounts.

169. A Committee of Accounts is still appointed from the common council, but they have not any control over the chamberlain's accounts; their duty is to examine tradesmen's bills, and other demands of that nature: and, if approved of, to recommend them to the council for payment.

Right of Petition against Abuses.

170. The chamberlain, as already stated, does not consider himself at liberty to exercise a discretion as to the propriety of any payment ordered by the common council and Court of D'Oyer Hundred. A provision is, however, contained in the Regulation Act, designed to afford a summary remedy for abuses in the disposal of the revenues.

By this it is enacted that whenever the direction, or order, of a Court of Equity shall be deemed necessary for the administration of the revenues, any three or more persons, being freemen or freeholders of the city or liberties, may present a Petition to the Lord Chancellor, or Master of the Rolls, or Court of Exchequer, stating their complaint, and praying such relief as the nature of the case may require. Power is given to the Lord Chancellor, &c. to determine summarily on the petition and affidavits, with a right of appeal at any time, within two years, to the House of Lords. Every petition must be signed by the persons preferring it, in the presence of, and attested by the solicitor or attorney concerned for the petitioners, and submitted to and allowed by his Majesty's attorney or solicitor general.

No petition has been hitherto preferred under this power.

State of the Guilds.

171. There are not, as we have before noticed, any Guilds of trades now in connexion with the corporation.

The attempt to restore the company of merchants of the staple has been unsuccessful from the reasons already stated.

The several associations which still appear to act under the name of guilds, and above enumerated, page 348, are, in their present state, merely private societies for the regulation of their respective trades. They all seem to consider themselves as having at some period received charters from the corporation, and some of them have books of their proceedings of very early dates. Their rules relate to the limitation of the number of apprentices, the admission of operatives to the freedom of the guild, for which, in some of them, considerable sums are demanded, and the exclusion from work, as far as they can legally enforce it, of persons not free of the guild. We were not informed of the recent commission of any act of violence against strangers; but it was admitted that in some cases persons attempting to work, not being free of a guild, had been obliged to leave Limerick. It was not shown to us that at any time the officers of the guild had thereby acquired a right of attending the common council, though an impression to that effect appears to prevail among the present members of these bodies.

We did not find that any of the guilds were ever possessed of property, except the books and insignia of their society. They, however, collect funds by weekly subscriptions from the members, which appear to be applied to the support of brethren out of work, and the other purposes usual in such bodies.

Chamber of Commerce.

172. The Chamber of Commerce was originally a voluntary association of merchants and traders of Limerick for the promotion of its trade and commerce, and was subsequently incorporated by royal charter, dated 2d June 1815. It is under the management of a board of nine directors, elected annually by ballot from amongst the members at large. The directors choose from amongst themselves a president and vice-president. Each new board must contain, at least, three members who had not served the preceding year. They appoint a secretary. Their funds were, at first, derived from rateable subscriptions paid by each member according to the extent of his export trade in the port of Limerick, and a schedule of these rates was fixed by a bye-law of the chamber; but this becoming too heavy on individuals, some of whom paid a contribution so high as £40, a maximum subscription of £12 was fixed, which has been reduced within the last 12 years to a subscription of £5 annually from each member.

In the commencement of their association they undertook the management of the butter trade, and in so doing have led to material improvements in the quality and character of the Limerick butter; to effect this they appointed tasters, inspectors, branders, and other officers, for the payment of whom they established a rate, or contribution of 2*d.* per cask, which is stated to be readily acquiesced in, both by buyer and seller, each of whom pays 1*d.* From this source they derive a profit of from £200 to £250 a-year, after all expenses, and without interfering with the privileges of the corporation weighmaster, who has co-operated with them. The result has been the increase of the export trade of Limerick in that article from 9,000 firkins to the quantities mentioned in the Tables hereafter given.

Their arrangements respecting the tolls with the corporation have already been stated.

Their funds have been applied in improving the port and harbour of Limerick by clearing away rocks and shoals in the river, and mooring buoys; in encouraging the linen trade, for which object they have expended £1,000 in building a linen hall on ground given to them for the purpose by the corporation; in expending £1,500 in one season of distress, by purchasing provisions for the poor, and selling them at a reduced rate; and about £1,200 in the opposition to the corporation before the committee of appeal in 1820, on the rights to freedom. They have also since expended large sums in resistance to the collection of the tolls in the toll suit of 1824. They have now between £3,000 and £4,000 in bank.

No member of the chamber of commerce is now a member of the common council. The first vice-president was a member of the common council, but is now deceased. The two corporations appear to have acted for some years with mutual good feeling, and their interests, while the arrangements respecting the tolls continued, were so far identified. The part taken by the chamber of commerce, in relation to the disputed rights to freedom, in which they interested themselves to secure to the resident citizens the privileges of which they had been so long deprived by the common council, and still more their support of the recent litigation with the corporation of the city respecting the tolls, have, for some years, placed these bodies in opposition to each other, and may be looked on as among the consequences of the past, and the main causes of the present unjust and impolitic exclusion of the mercantile body of Limerick from the common council.

State of the City, and Statistical Details.

173. We have noticed the striking constrast which exists between the decaying and impoverished condition of the old City, and the daily increasing wealth and improvement of the new. Much of the depression of the former may be attributed to the absence of any efficient system of municipal regulation, but the change of times and fashion have naturally had a great, if not the principal share, in the abandonment of the confined streets and lanes contained within the limits of the ancient fortifications for the spacious and more healthy avenues which distinguish the modern city. Independent of these internal changes, the general station and importance of Limerick in extent, population, and commercial advancement, entitle it to a considerable place among the chief cities of the empire.

Population.

In the abstract of the Population Returns of 1831, printed by order of the House of Commons, the population of the entire county of the city of Limerick is stated to be 66,554. The population of the city and suburbs, or what is properly the city, as built upon, is not given, but deducting from the above population of the county of the city the population of what are clearly agricultural parishes, and including in the city the entire parish of St. Michael, we estimate the population of the parishes forming the city as built upon, at 49,769. The population by the Returns of 1821, was 59,045, showing an increase in 10 years of 7,509.

The number of inhabited houses in the county of the city, by the Returns of 1831, is	7,820
The number building	138
The number uninhabited	427
The number of families	11,953
Of which there were chiefly employed in agriculture	2,798
In trade, manufactures, and handicraft	4,057
All other families not comprised in the two preceding classes	5,098
The proportion of females to males as 6 to 5.	
The number of males over 20 years of age	15,663
Labourers employed in agriculture	2,561
Ditto not employed in agriculture	3,618
Persons employed in retail trade or in handicraft, as masters or workmen	5,106
Capitalists, bankers, professional, and other educated men	1,323
Occupiers and others, not included in the foregoing	3,055

Trade.

The following Return was made to us by the collector of customs of Limerick of the number of vessels, with their tonnage, which have entered the port in each of the last 10 years:

CITY OF LIMERICK.

A RETURN of the Number of VESSELS, with their TONNAGE, which have entered the Port of LIMERICK in each of the last Ten Years.

Year ended 10th October.	From Foreign Parts.		From Great Britain. 40 Tons and upwards.		From Great Britain. Under 40 Tons.		From Ports in Ireland. 40 Tons and upwards.		From Ports in Ireland. Under 40 Tons.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
1824	49	8,739	313	32,316	. .	. .	6	570	50	1,163
1825	36	3,665	310	34,855	1	36	15	1,312	21	530
1826	53	11,353	242	27,612	. .	. .	26	2,961	10	353
1827	31	6,317	267	31,593	. .	. .	33	4,137	21	530
1828	45	9,110	391	46,420	1	39	23	2,740	10	305
1829	46	9,426	288	33,340	3	116	11	1,496	4	121
1830	59	13,430	313	37,126	. .	. .	21	2,105	8	231
1831	35	8,408	425	48,570	. .	. .	35	3,783	13	404
1832	80	17,325	462	55,696	. .	. .	10	1,169	5	117
1833	45	8,519	411	49,180	1	39	7	512	2	55

The nature and extent of the principal exports from Limerick, during three years, ending 31st August 1832, will appear from the following table, furnished to us by a member of the chamber of commerce:

Year ended 31st August.	Beef.	Pork.	Pork.	Butter.	Bacon.	Lard.
	Tierces.	Tierces.	Barrels.	Firkins.	Cwts.	Cwts.
1830	1,952	9,961	6,700	80,738	49,990	3,050
1831	702	6,458	6,348	67,669	56,618	5,221
1832	848	8,972	5,690	69,791	53,454	6,260

Year ended 31st August.	Wheat.	Barley.	Oats.	Beans.	Flour.	Oatmeal.
	Barrels of 20 Stone.	Barrels of 16 Stone.	Barrels of 14 Stone.	Barrels of 16 Stone.	Cwts.	Cwts.
1830	102,069	32,898	266,823	7,103	24,098	17,743
1831	119,938	36,489	298,994	3,281	9,815	11,160
1832	194,114	18,017	408,849	4,316	33,226	25,438

The following is a Return of the quantity of corn bought in Limerick, in the years 1830 and 1831:

	1830.	1831.
Wheat - -	147,400	169,993
Barley - -	85,558	85,560
Oats - -	296,070	315,732

The increase of the grain trade, in the last 40 years, appears from a petition on the subject of tolls, presented to the Irish House of Commons, in 1790, which states that in the past year, 1789, there was exported from Limerick,

21,693	barrels	of wheat,
24,906	„	of oats,
568	„	of beans,
526	„	of barley,
1,360	cwt.	of flour, and
714	tons	of oatmeal.

Limerick possesses no manufacture of any extent, deserving particular notice.

General Observations.

174. It is to be regretted that the contest, so long maintained by the common council against the rights of the citizens of Limerick, and the strong feelings of jealousy and hostility thereby created on both sides, have hitherto retarded the improvement of this important city. The usurpations of the council, for a long series of years, were defended at all hazards, and a fruitless waste of the corporate revenues took place in the endeavours of that powerful body to preserve uncontrolled its political superiority and exclusive management of the corporate affairs, with apparently a total disregard of the interests and welfare of the large community, for whose benefit the public institutions were created and those revenues designed. Their impro-

vident neglect, and still more censurable disposal of the corporate estates, the secrecy of their proceedings, their apparent devotion to the interests of a particular family, and studied exclusion of the general body of the citizens from their proper municipal station, have afforded other just causes of complaint against the common council, and strongly demonstrate the impolicy of vesting the sole management of public concerns in a self-elected and irresponsible body.

Although partially controlled by the Regulation Act, the council has succeeded in still preserving a large share of its former power by the influence acquired in the Court of D'Oyer Hundred, and the difficulties existing, under present arrangements, to the acquisition of the freedom. The statements we have made as to the constitution and proceedings of the council itself, show that little, if any, modification, has taken place in the close and exclusive character it so long possessed.

The natural consequences to be expected from this state of things have followed,—distrust and suspicion of the acts and motives of the governing body, and dissatisfaction with the frame and principles of its constitution

The inhabitants of the city and liberties have not hitherto benefited by the legislative declaration of the Regulation Act, in the appropriation of any part of the public revenues to alleviate the oppressive burden of their local taxation, the surplus revenues having been devoted to the liquidation of the debts contracted by the common council, in their political contests.

The evidence given before us on the part of those opposed to the present municipal system, appeared to show an anxious desire for the restoration of the popular constitution, considered to have formerly existed in the corporation, or the establishment of new arrangements, to correct the present evils. The existing records do not enable us to say that the common council was at any period a purely elective body; but it is evident from them that the share of the freemen in the administration of the corporate affairs, was, at least before the "New Rules," more considerable than at present. The suggestions made to us show that, in the opinion of those who seek for reformation in the present constitution, the most material points regarded are the dissolution of the present common council, and the formation of a new elective governing body, whose acts should be subject, as at present, to the control of the Court of D'Oyer Hundred.

175. We add such Acts and sections of Acts of Parliament as relate to this city

Local Acts.

2 Geo. I. c. 12, s. 1 to 20, (1715,) Ireland. For making the Shannon navigable from the key of Limerick to the town of Carrick.

6 Geo. I. c. 18, (1719,) Ireland; expired. For erecting Lights in Dublin, Cork, and Limerick.

8 Geo. I. c. 16, (1721,) Ireland; expired. To amend the former.

3 Geo. II. c. 22, (1729,) Ireland; expired. To revive and amend the two last.

15 Geo. II. c. 11, (1741,) Ireland; expired. To revive and amend the same.

31 Geo. II. c. 20, (1757,) Ireland. For widening and repairing, or rebuilding Baal's Bridge.

33 Geo. II. c. 1, s. 14, (1759,) Ireland. Grant of £4,000, for making the Shannon navigable from Limerick to Killaloe; and of £3,500 to the Baal's Bridge Commissioners, for enlarging the Quay, building a Bridge to Mardyke, and clearing the river Shannon of Rocks, from the quay to the pool.

33 Geo. II. c. 15, s. 10, (1759,) Ireland. To enlarge the powers of the Baal's Bridge Commissioners.

1 Geo. III. c. 1, s. 14, (1761,) Ireland. Grant of £8,000 for the Shannon Navigation.

1 Geo. III. c. 17, s. 19, (1761,) Ireland. For providing two Weighhouses. (See Report, p. 366.)

5 Geo. III. c. 1, s. 7, (1765,) Ireland. Grant of £2,500 to the Baal's Bridge Commissioners, for continuing the new Quays, and Grant of £3,000 for the Shannon Navigation.

7 Geo. III. c. 26, (1767,) Ireland. Killaloe Navigation Act.

11 and 12 Geo. III. c. 19, s. 14, (1771, 2,) Ireland. Power to Grand Jury to increase Salary of City Treasurer.

11 and 12 Geo. III. c. 24, (1771, 2,) Ireland. To enable the corporation for promoting Inland Navigation, to erect a Lock across the Shannon, from the pier of the long dock of the old quay, Limerick.

15 and 16 Geo. III. c. 35, s. 1 to 4, (1776,) Ireland. For uniting the Houses of Industry of the county and county of the city of Limerick.

21 and 22 Geo. III. c. 13, (1781, 2,) Ireland. Power to the Vice-treasurer of Ireland to pay £100 per annum to the City Infirmary.

23 and 24 Geo. III. c. 44, (1783, 4,) Ireland. To build a new Gaol and Marshalsea for the county and county of the city.

26 Geo. III. c. 59, (1786,) Ireland. To amend the last Act.

47 Geo. III. c. 75, (1807,) local and personal. St. Michael's Parish Act.

51 Geo. III. c. 104, (1811,) local and personal. To amend the last Act.

4 Geo. IV. c. 94, (1823,) local and personal. Wellesley Bridge Act.

4 Geo. IV. c. 126, (1823,) local and personal. Limerick Regulation Act.

6 Geo. IV. c. 61, (1825,) local and personal. Athlunkard Bridge Act.

6 Geo. IV. c. 172, (1825,) local and personal. For supplying the city and suburbs of Limerick with Water.

7 Geo. IV. c. 139, (1826,) local and personal. To make a Railroad from the city of Limerick to the town of Carrick, in the county of Tipperary.

11 Geo. IV. c. 72, (1830,) local and personal. Barrington's Hospital Act.

11 Geo. IV. c. 126, (1830,) local and personal. For rebuilding Baal's Bridge.

CITY OF LIMERICK.

Documents sent.

176. We send with this Report copies of the following Documents:

1. Copy of the Inspeximus, by Henry VI., of King John's Confirmation of the Grant of 40 Ploughlands, to the city of Limerick.
2. Copy of the Charter and Bye-laws of the Chamber of Commerce.
3. Copy of the Order of the Lord Lieutenant in Council, for the Incorporation of the Guild of Merchants.
4. Form of Notice of Meetings of the Common Council.
5. List of attending Members of the Common Council, from 1821.
6. Copy of the Resolutions of certain Freemen, entered into on the 18th September 1833, suggesting Amendments in the Regulation Act, by excluding the Members of the Common Council from the Court of D'Oyer Hundred, and that the election of Civic Officers should be subject to the approbation of the latter Court.
7. Copy and Abstract of the Rules of the Tholsel Court.
8. Practice of this Court.
9. Copy of the Form of Plaint and Summons therein.
10. Return of Causes commenced and tried, and of the Days on which the Court sat for Trials, during the Years 1830, 1831, and 1832.
11. Form of Attachment Process.
12. Copy of the Bail Piece.
13. Statement of the Proceedings in the cause of Quin *v.* McDonnell, pending upwards of two years, in the Tholsel Court.
14. Copy of the Enrolment of a Judgment in this Court.
15. Town Clerk's Return of Fees payable therein.
16. Six Bills of Costs of Proceedings in it.
17. Forms of Process and Decree of the Mayor's Court of Conscience.
18. Account of Craven's Charity, from 6th August 1831 to 5th October 1832.
19. Account of the Blue School, for the same period.
20. Expenditure and Income of Ditto, for 1833.
21. Charges outstanding on Hills and D'Esterre's Properties, for these Charities, made up to July 1832. (Part since paid. See Report, p. 377.)
22. State of Barrington's Hospital, from its being opened in November 1831.
23. Income and Expenditure of the House of Industry, for One Year ending 28th February 1833.
24. Copy Negative Search, from 1708 to 1833, in the Office for Registering Deeds for all Acts, by the Mayor, Sheriffs, and Citizens of the City of Limerick.
25. Copies of the Form of Lease, Schedules, Advertisement, and Proposal for the Tolls.
26. Second and Third Reports from the Committee of the Limerick Agricultural Association.
27. Memorial from certain Inhabitants of Kilrush, against the Charge of Tolls on Goods passing through Limerick.
28. Copy of the Chamberlain's Report of November 1831, respecting the Mode of letting the Tolls.
29. Abstract of the Accounts of the Commissioners for improving St. Michael's Parish, from 30th September 1831 to 29th September 1832.
30. Treasurer of the City Grand Jury's Account, from Spring to Summer Assizes 1833.
31. Copy of Resolutions of the City Grand Jury, at Spring Assizes 1824, and Summer Assizes 1827, relative to the Local Inspector of the Gaol.
32. Presentments made on the County of Limerick, at Summer Assizes 1833.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Limerick, from 26th September to 11th October 1833.

REPORT

ON

THE BOROUGH OF ROSCOMMON.

(COUNTY OF ROSCOMMON.)

CONTENTS.

	Page
Limits	415
Charters	415
Edward II.	415
James I.	415
Constitution	415
Title	415
Officers	415
Provost	415
Free Burgesses	415
Freemen	415
Powers given by the Charter of James I.	415
Charter of James II.	415
State of the Corporation before the Union	415
Extinction of	415
Mayor Court	416
Assistant Barrister's Court	416
Petty Sessions	416
Magistracy and Police	416
Tolls	416
State and Prospects of the Town	417
Statistical Details	417
Local Acts	417

BOROUGH OF ROSCOMMON.

1. THE Limits of the Borough of Roscommon are not defined by charter. They were stated to us as reputed to extend about two Irish miles round the town. LIMITS.

2. A Charter was granted to the burgesses of Roscommon in the reign of Edward I., and in the year 1310 they petitioned Edward II. to confirm it, who, by writ to the Chief Justice, Chancellor, and Treasurer of Ireland, dated the 14th February in that year, and enrolled in the Exchequer, (Rot. Mem. 4, 5 Edw. II. m. 35,) directed those officers to examine the charter and report to him in the next Parliament to be held in England if any prejudice would be done to him by the confirmation, and in the mean time to permit the burgesses to use and enjoy the liberties contained in the charter as they and their ancestors, burgesses of the said town, had been accustomed to use and enjoy them. CHARTERS. Edward II.

We have not found that any thing was done upon this writ, nor what were the liberties contained in the charter.

3. The corporation of this borough, as it existed in modern times, was founded on a charter granted by James I. in the tenth year of his reign, and enrolled in Chancery, (Pat. 10 James I. p. 4. m. 33,) by which it was to consist of a portreeve or provost, 12 free burgesses, and a commonalty, and all the inhabitants were to be a Corporation by the name of "The Provost, Free Burgesses, and Commonalty of the Borough of Roscommon." James I. Constitution and Title of the Corporation.

4. The Portreeve was to be annually elected by the portreeve and free burgesses, out of the free burgesses, on the feast of St. John the Baptist, and sworn into office before the preceding Provost on the feast of St. Michael. He was to hold the office for a year from the latter feast, and until another should be duly elected and sworn. The provost was empowered to hold a Court of Record every Tuesday, weekly, for all pleas not exceeding five marks, and was constituted clerk of the market. Provost.

5. The Free Burgesses were to be elected by the portreeve and free burgesses, out of the better and more honest inhabitants of the borough, and were to hold their offices for life, but removable for misconduct by the portreeve and major part of the free burgesses. Free Burgesses.

6. It was declared that all the inhabitants, and such and so many others whom the portreeve and free burgesses might admit to be free were to be of the commonalty. Freemen.

7. Power was given to the provost and free burgesses to return two Members to Parliament; and to the provost, free burgesses, and commonalty to have a common seal, to make bye-laws, to have a guild mercatory, and to appoint two serjeants at mace and other inferior officers. Powers given by this Charter.

8. In the fourth year of his reign James II. granted a new Charter of incorporation to this town, reciting that its franchises had been seized into his hands by judgment of the Court of Exchequer. This charter is enrolled in Chancery (Pat. 4 James II. p. 4. m. 38, No. 14.) It differs from that of James I. chiefly in increasing the number of free burgesses to 18, and enlarging the jurisdiction of the court to £5. The latter alteration alone appears to have been acted upon. Charter of James II.

9. The Corporation was kept up until the period of the Legislative Union between Great Britain and Ireland. It was entirely under the patronage and control of Lord Mount Sandford, in whose family the office of portreeve appears to have been considered hereditary. His Lordship nominated the burgesses and appointed a deputy portreeve. The deputy was resident, and acted as a magistrate within the borough, and as clerk of the market, and occasionally held the Borough Court. State of the Corporation before the Union.

Since the Union the corporation has become extinct. We could not find that any person known to be a burgess or freeman was in existence, but the representative of the Mount Sandford family, the present Lord Mount Sandford, was considered to be still the patron; and a few years since, application was made by his lordship's agent to a gentleman resident in the town, who had acted as deputy portreeve about 20 years ago, to resume that office, which he declined. No person had filled it in the interval; and there is not now any corporate officer or any trace of municipal authority existing in the town. Extinction of.

The corporation had not any exclusive jurisdiction. The only criminal jurisdiction was that exercised by the deputy portreeve as a magistrate, but with which that of the county magistrates was concurrent.

The fees of the Borough Court were stated by the gentleman who last acted as deputy portreeve to have been, on each action, 1*s.* 8*d.* to the deputy, and 6*d.* to the constable; there was no process by attachment of goods.

The corporation had not any property for charitable uses or otherwise, nor any patronage, nor were any charitable establishments under its control.

The tolls were, and still are, the property of the Earl of Essex, who is owner in fee of the town and a large surrounding territory.

ROSCOMMON.

The sum of £15,000 was paid at the Union as compensation for the loss of the elective franchise to the surviving trustee of the marriage settlement of Henry Lord Mount Sandford.

Manor Court.

10. The only local jurisdiction existing within the corporate limits is a Court for the Manor of Roscommon, which comprises a district of much greater extent than the borough. This court is held under a patent to Arthur Lord Viscount Ranelagh, in the sixteenth year of Charles II., (Pat. 16. Car. II. p. 3. m. 7,) which creates the manor, and empowers Lord Viscount Ranelagh, his heirs and assigns, to hold a Court Leet and Court Baron, and to hold also a Court of Record at such convenient time and place within the manor, as should seem meet to them, before some seneschal, or seneschals, to be appointed from time to time by them, their heirs and assigns, and to hold pleas therein of all actions, debts, covenants, trespasses, detentions, contracts, and demands personal, not exceeding £10, arising within the manor or its liberties, to be considered a Court of Record with all the jurisdictions, &c. to the same or to the like court belonging.

There is no trace of this court having been held in modern times until the present seneschal was appointed by Lord Essex, Lord Henry Fitzgerald, and Lady De Roos. This appointment is dated 19th May 1814. The seneschal is lessee of the tolls of the town under the Earl of Essex.

The court is held once a month, the proceedings are by civil bill, or by attachment of the goods of the defendant on an affidavit of the debt. The fees on the civil bill process are 5*s.* 11½*d.* as regulated by the Manor Court Acts. On attachments the seneschal is paid 2*s.* 6*d.* for the process, and the bailiffs, of whom there are two, execute the attachment, on which the fees are 1*s.* 3*d.*

The bailiffs detain the goods seized until trial, when, if there is a decree against the defendant they are sold. Cattle are commonly given up on security. Causes are tried by a jury sometimes of 12, sometimes less. The jurors are summoned verbally, and there are not any fees paid to them. The sittings last only one day, and the same jury tries all the cases. The oath of the party is taken under the statute 8 Geo. IV. c. 59, s. 2, but the seneschal does not confine himself in administering it to cases of the limited amount of 40*s.* Cases of demands so high as £9 or £10 very seldom come before him. He does not issue any process against the person, being under a promise to the patentees not to do so, which is assigned by the seneschal as accounting for the inhabitants of Roscommon preferring the jurisdiction of the assistant barrister.

About 200 causes are instituted in this court, in the year, for the entire manor of Roscommon. The seneschal could not inform us how many of these was for the borough alone.

There is an appeal from this court, under these Acts, to the judges of assize.

Although the seneschal stated that the tolls were never sued for in his court, yet we cannot hesitate in considering the union of the characters of a local judge for the trial of small debts with that of lessee and receiver of the tolls of the town, as materially calculated to diminish public confidence in the court in which he presides.

Assistant Barrister's Court.

11. Roscommon is the assizes town of the county, and the Assistant Barrister holds quarter sessions here for the trial of civil bills. He also sits at Athlone, which is 15 miles distant, for the same division of the county. Whether from the cause assigned by the seneschal, or from greater confidence in the administration of justice in the Assistant Barrister's Court, the inhabitants of Roscommon give an obvious preference to that jurisdiction. They resort to it even at Athlone; and the number of civil bill processes served within the year for the borough of Roscommon was stated to be about 800, being four times the number of causes instituted in the Seneschal's Court for the entire manor in the same period.

Petty Sessions.

12. Petty Sessions are held in the town on Monday in each week by county magistrates, of whom none are resident in Roscommon; the nearest resides about two miles from the town. Two, three, or four magistrates sometimes attend, but there are frequent disappointments in consequence of non-attendance.

Magistrates and Police.

13. Since the office of deputy portreeve has been discontinued there has not been any resident Magistrate or officer having municipal authority in the town, and the consequent inconvenience and mischief have been and continue to be considerable. The internal Police of the town, particularly in the regulation of its markets, weights and measures, &c. has been entirely neglected, and the county constabulary stationed in the town are without a properly constituted authority to enable them to act with effect in cases of riot, which sometimes happen at the fairs and markets. The county purchased the new standard weights and measures at an expense of £230, which remain useless in the possession of the clerk of the peace, from there being no efficient person to take charge of them and enforce their use. The town is not watched or lighted, There is a great scarcity of water. The inhabitants pay a small sum, from 1*d.* to 3*d.* per week, for a scanty supply from two wells in the town.

Market juries were formerly appointed, but have latterly been unable to act, from the absence of an authorized municipal officer. The streets are repaired by county presentment. An attempt was made to introduce the provisions of 9 Geo. IV. c. 82, for the purpose of lighting the town, but resisted by the majority of the inhabitants, and failed.

Tolls.

14. The Tolls, as already observed, are the property of the Earl of Essex, the proprietor of the town; they are the subject of complaint and dissatisfaction on the part of the inhabitants, from their collection being, as they conceive, prejudicial to trade, without conferring any benefit on the town, no part of the income derived from them being expended on objects of public utility. The present lessee, however, stated, that he had, on several articles, reduced the tolls fully one half.

The letters patent to Lord Ranelagh above stated, granted to him liberty to hold fairs

ROSCOMMON.

State and Prospects of the Town.

here on the following days, viz. Whit Monday, August 1, and November 25, and the day after each, paying £2 rent to the Crown.

The fairs now held are but two, viz. on Whit Monday, and December 5. A market is held every Saturday.

15. The trade of Roscommon has decreased of late years; the inhabitants attribute the decline in part to the exaction of the tolls, there being some neighbouring markets toll free. The town, however, is stated to be improving; but the circumstances above detailed show that it is in the most neglected condition as to municipal or magisterial regulation. These circumstances are strongly felt by the inhabitants, and, as far as we could learn, they are anxious for the revival of municipal institutions on popular principles. The power of electing non-residents, the principle of self-election in the burgesses, and the control vested in them over the admission of freemen, even from the inhabitants, amounting to a total exclusion in practice, were the great defects of the former constitution. We were assured that there would be always found a sufficient number of respectable and independent persons in the town competent to perform the duties required from corporate officers, and the result of our Inquiry and observation is, that the general state of this town calls for the active interference of some resident municipal or magisterial authority possessing the confidence of the inhabitants.

We are not enabled to say how far its trade can by these, or any other means, be improved; but the town is in the immediate vicinity of the Shannon, and, we believe, capable of being easily connected with it by a canal of a few miles.

Statistical Details.

The town of Roscommon in 1831, contained:

Houses inhabited	531	
„ building	13	
„ uninhabited	37	
Families chiefly employed in agriculture	131	
„ in trade, manufacture, and handicraft	303	
„ not comprised in the two preceding classes	251	
Persons: males, 1,572; females, 1,734. Total		3,306
Employed in trade or handicraft		359
Capitalists, professional and other educated men		72

There are about 50 registered voters of £10 and upwards in the borough, for the county of Roscommon, and it is stated that about 50 persons more could qualify as such if willing to do so.

Local Acts.

The only Local Act which notices this town is the 33 Geo. II. c. 1. (Ireland,) entitled "An Act for vesting the several Estates granted by the Right Honourable Richard Earl of Ranelagh for erecting and supporting Two Charity Schools at the Town of Athlone, and Two Charity Schools in the Town of Roscommon in the Incorporated Society in Dublin for promoting English Protestant Schools in Ireland, and for other purposes mentioned therein."—See the Report on the Borough of Athlone.

MAZIERE BRADY,
JOHN R. CORBALLIS, } *Commissioners.*

Inquiry held at Roscommon, September 5, 1833.

619

REPORT

ON

THE BOROUGH OF TRALEE.

CONTENTS.

	Page
Limits	421
Charter	421
Constitution	421
Officers named in the Charter	421
Other Officers	421
Number of Freemen	421
Provost, how elected	421
Deputy	421
Functions of	421
Emoluments	421
Free Burgesses	422
Select Body	423
Remarks on the Constitution	423
Statements as to Parliamentary Representation	423
Inferior Officers, how elected	423
Serjeants at Mace, their Functions and Emoluments	423
Town Clerk, Ditto	424
Marshal Keeper, Ditto	424
Weighmaster	424
Freemen, Privileges of	424
Provost's Court	424
Practice of the late Provost	425
Fees and Costs in	425
Attorneys	425
Observations on the Court	425
Limitation of the Boundary	425
Petty Sessions	425
Gaol	425
Police	425
Patronage and Schools	426
Corporation, Property of the	426
Tolls	426
State and Prospects of the Town	426
Harbour Dues	426
Statistical Details	427
Population	427
Trade	427
General Observations on the Corporation	427
Local Acts	428
Documents sent	428

BOROUGH OF TRALEE.

LIMITS. 1. THIS borough is situate in, but not co-extensive with the parish of Tralee. The points of the boundary on the west are Ballyvilly, the Black Rock, and the centre of the village of Blennerville, from whence the boundary on the south proceeds along the river to the bounds of Ballymullen, and from thence on the east by Ruth's Garden along by the gaol to Clogherirshagh Rock, and thence on the north by Clonnalour, Oakpark, and Balloughna, to Ballyvilly. These Limits have not been adopted by the Boundary Bill; those specified in that Act do not reach to Blennerville, but in other points are somewhat more extended than the former boundary. The parts newly included are in the parish of Rathass. The entire of the town and suburbs of Tralee are contained in the new boundary.

CHARTER. 2. This borough was incorporated by James I. in the tenth year of his reign. His Charter is the only one granted to this borough, and purports to have been made at the petition of the inhabitants of the village of Tralee. Its provisions are generally observed by the corporation; the points in which the modern practice conforms to, or deviates from it, will be mentioned in the course of this Report. It is enrolled in Chancery (Pat. 11 James I. p. 1, m. 15.)

Constitution. 3. The corporation, by the charter, is to consist of one provost, 12 free burgesses, and a commonalty; and all the inhabitants within the said village, and the lands within or belonging to it, or its precincts, are declared to be for ever, by force of the charter, a body corporate and politic, by the name of "The Provost, Free Burgesses, and Commonalty of the Borough of Tralee." Title.

Officers named in the Charter. 4. The Officers named in the Charter, are

A Provost,
Twelve Free Burgesses,
Two Serjeants at Mace.

Other Officers. 5. The other Officers appointed under the powers given by the charter and by statute, are,

A Town Clerk,
Marshal Keeper, and
Weighmaster.

Number of Freemen. 6. There are very few Freemen. The only notices on the subject we have found in the corporation books produced before us, and commencing 9th February 1793, are in 1823, 1824, and 1831. In 1823, four freemen were chosen and sworn, and in 1831 two were chosen, but not subsequently sworn. Of the four admitted in 1823, one is since dead and another is now one of the free burgesses. In 1824 the name of another freeman, since deceased, appears signed to a resolution or bye-law respecting tolls.

Provost, how elected. 7. The Provost is elected annually by the provost and free burgesses, or the majority of them, on the nativity of the feast of St. John. He must be a free burgess. He is to be sworn into office on the ensuing feast of St. Michael, before the provost of the preceding year, and to hold the office for one year from that feast, and until another burgess is in due manner elected and sworn to the office. Provision is made by the charter for filling a vacancy happening by death or otherwise, during the year, within 15 days next after such vacancy, and in such case the power of election is given to the free burgesses and commonalty. It has frequently occurred in practice that the same individual has been re-elected; but on a late occasion, (1828,) the provost for the year having been re-elected, refused to be sworn, (and, we think, properly,) on the ground that by the charter the oath was to be administered by the provost to his successor, and that, therefore, the same individual could not hold the office two successive years. The objection was yielded to by the free burgesses, and a new provost chosen, and the elections have been since conformable to the charter in that respect.

Deputy. 8. There is not any power given by the charter to the provost to appoint a Deputy, but repeated instances have occurred of such appointments; none, however, since the year 1811. The provosts have been since resident, and have performed the duties of the office in person.

Functions of the Provost. 9. The provost presides at all meetings of the corporation, and is the returning officer on elections of Members of Parliament.

He is, by the charter, clerk of the market.

He is included in the commission of the peace for the county of Kerry, and acts as a magistrate at Petty Sessions and otherwise.

He holds, under the charter, a Court of Record called the Provost's Court, of which he is the judge.

He acts as the billet master of the town.

His Emoluments from the Corporation. 10. The Emoluments of the office derived directly from the corporation are not considerable.

The provost is entitled to certain fees on proceedings in the court. From the course of late years adopted in this court, as hereafter stated, the fees have amounted to a very trifling sum,

TRALEE.

about £3 a year. If the proceedings in all cases were carried on strictly, as in a Court of Record, the annual emolument to the provost would be much more considerable.

The provost receives to his own use certain tolls payable to the corporation under the charter, which grants to them power to hold a market weekly every Tuesday, and a fair on St. James day, with all tolls, &c. thereto belonging; these have annually been set by the provost, and of late years produced to him about £16 or £17 a-year.

He also collects the manure of the streets, but this was stated to us as scarcely paying the expense of collection.

Another trifling perquisite of the office, consists of the palates of cattle, sometimes sent to him by the butchers on Saturdays.

By a resolution of the corporation in the year 1793, fixing several fees to its officers, it was resolved that a fee of 10 guineas should be paid to the provost by each Member of Parliament on his election.

The late provost, who had filled the office in several years, stated to us that a sum of £20 or 20 guineas was usually paid to the provost by the Member elected, and fees to the other officers, but he considered this payment to have been a gratuitous compliment on the part of the Member; and at the last election, when (the representation being opened by the Reform Bill) the Member was returned in opposition to the corporation interest, the provost was not paid. The legality of the practice may be questioned, and the resolution above stated was clearly of no obligation on the Member elected.

Emoluments of the Provost from Sir Edward Denny.

11. The Emoluments of the office of provost, derived from the corporation, being considered by the patron of the borough, Sir Edward Denny, as too small, he, on the election of the provost in 1824, agreed to give that officer the tolls and customs claimed to be payable to Sir Edward under the patent granted to his ancestor for holding fairs in the town and the Saturday's market: this is only a temporary arrangement, but has been regularly continued to the present year. Sir Edward Denny's tolls, with those claimed by the corporation, comprise all the tolls collected in the town, and the addition made to the provost's income by the above arrangement is considerable. The tolls given by Sir Edward Denny, with those claimed by the corporation, amount to about £130 a-year.

Expenses of the Office.

12. The provost, under the resolution 1793, should pay a fee of two guineas to the town clerk on his election.

This is the only expense we find to be incurred by the provost as incidental to his office.

The duties of the situation require constant residence and attention; the last provost stated to us that he had not in consequence been out of the town two days when in office. There is not any mansion house, and should the liberal arrangement made by Sir Edward Denny be discontinued, the emoluments of the office will be reduced to about £20 a-year. It is, however, by no means desirable that the chief officer of the town and returning officer of the borough should be remunerated for the performance of his duties by the bounty of an individual, and as to the tolls payable to the corporation, the vesting of the collection of them for his own benefit in the principal magistrate and judge of the local court is equally objectionable.

Free Burgesses, how elected.

13. The Free Burgesses are elected by the provost and free burgesses; a vacancy must, by the charter, be filled up within seven days. The free burgesses hold the office for life, or until resignation or removal. A power of amotion for misconduct is vested by the charter in the provost and the majority of the free burgesses. They are to be elected out of "the better and more honest inhabitants of the borough," but the qualification of residence has not been regarded in practice. The following is a list of the present free burgesses, distinguishing such as are non-resident:

Maurice O'Connor, provost	Tralee.
Rev. Barry Denny	Non-resident.
Rev. Robert Day Denny	Non-resident.
Rev. Arthur B. Rowan	Belmont, Tralee.
Pierce Chute, Esq.	Tralee.
Caleb Chute, Esq.	Tralee.
Rev. Henry Denny	Church Hill, Tralee.
J. J. Hickson, Esq.	Tralee.
William Denny, Esq.	Tralee.
John Bateman, Esq.	Oak Park, Tralee.
John Hurly, Esq.	Tralee.
Arthur Blennerhassett, Esq.	Ballyseedy, Tralee.

Of those described as of Tralee, all reside within seven miles of the place of election, but six do not reside within the old limits of the borough. Three of the free burgesses are registered voters for the borough as such, and four as £10 householders; the three last named, were elected in February 1833.

The free burgesses are all related or connected together. Sir Edward Denny, the patron of the borough, was a free burgess, but resigned in February 1833. He recommends the persons to be elected on vacancies; and it is admitted that no one would be elected who was not in his interest or friendly to him.

The free burgesses have not any emoluments nor any functions to perform, save as members of the corporate body, in elections of the provost, &c.

Previous to the Reform Act the right of election for the borough was, under the charter, in the provost and free burgesses only.

The number of registered electors for the borough, including free burgesses, was at the time of our visit 210.

By the resolution of 1793, already referred to, a fee of 10*s.* is made payable to the town clerk on the election of each burgess.

The free burgesses are all members of the Established Church, and the oath and declaration required to be taken on admission to corporate offices, before the statute 33 Geo. III. c. 21. (Ireland,) opening corporations to Roman Catholics, are still continued at the head of the roll, which is subscribed by each burgess and provost on being sworn. It appears to be still considered necessary in the corporation, that the burgesses should sign this declaration, and the entry of their admission in the books is, that they took the oath, and signed or subscribed the declaration required to be taken and signed by every burgess on admission to the office.

Select Body.

14. Under the provisions of the charter, the provost and free burgesses form a Select Body; but, with the exception of two or three freemen, they now constitute, in fact, the entire corporation.

Remarks on the Constitution.

15. The Constitution of this select body and its power of self-election originally made this, what it probably was intended to be, a close corporation. The power of electing Members of Parliament, provost, and free burgesses is, by the charter, vested in the select body, which in practice exercised, as in the instances to be presently noticed, the other powers thereby conferred on the corporate body at large. They have been composed for many years of the members and connexions of the family of Sir Edward Denny, the present patron; and the representation of the borough in Parliament was, until the last election, under the influence of that family, the Member being elected by the corporate body on their recommendation; which, in practice, amounted to a pure nomination. It was, however, on one occasion, intimated to Sir Edward Denny, that if he recommended a person of political principles which the burgesses did not approve, he would be opposed, and he accordingly yielded to the intimation.

Statements as to the Parliamentary Representation.

It has been stated in evidence before us, that on the occasion of a discussion in the Court of Chancery before Lord Redesdale, in a cause instituted by a junior member of the family of Sir Edward Denny, the gentleman who, on that and many other occasions, was concerned as counsel for the Denny family, mentioned to his lordship that the nomination of Representatives for the borough was vested in the trustees of the marriage settlement of the late Sir Edward Denny, upon trust, to make sale thereof and apply the monies to the use of the younger children of that marriage, that the word "representation" or "nomination" was not in the article, but that the meaning was conveyed by other words. The gentleman who stated this, added that the article referred to was not produced on the occasion, but that he knew that the borough was sold accordingly, by the acting trustee, from the period of the Union to 1809, to the highest bidder, except that the person who once bought, got a preference on the ensuing occasion.

Upon the other hand, one of the burgesses of the corporation deposed that he was now a trustee of the deed of settlement by which the representation of the borough was alleged to have been conveyed, having been so appointed in the room of a former trustee; that he had possession of the deed, and that no such conveyance was contained in it, nor in any other deed, to his knowledge; and that the representation of the borough was not the subject of legal conveyance by deed in the Denny family, nor was he aware of the representation being in any way the subject of family arrangement by deed or otherwise.

Whatever may have been the use made by the Denny family of their influence over the representation of the borough, through the corporation, that influence has been, in a great degree, modified by the Reform Bill, and the Member since elected was returned in opposition to Sir Edward Denny by a majority of 20 out of 160 votes, the numbers being 90 and 70.

Serjeants at Mace, Town Clerk, and Marshal Keeper, how elected.

16. The charter empowers the provost, free burgesses, and community of the borough, and their successors to elect out of themselves two Serjeants at Mace and other inferior officers, and ministers for the better government of the borough and the inhabitants of it, to continue during good behaviour, or at the will and pleasure of the provost, free burgesses, and community. This power is now exercised by the provost and free burgesses in the appointment of the two Serjeants at Mace, Town Clerk and Marshal Keeper; the last of these officers only is re-elected annually, but the same individual has been continued for the last eleven years successively; the others remain in office from their first appointment, but the serjeants at mace are occasionally changed if guilty of misconduct.

The person who now holds the office of marshal keeper has been sometimes, but not always, sworn on his re-election to the office. He has not been sworn for this year, having been appointed by the provost alone, and not by the provost and burgesses, as was usual; and the town clerk, on that account, did not consider himself warranted to swear him in.

Although the charter directs that the serjeant at mace and inferior officers should be chosen by the provost, free burgesses, and commonalty, out of themselves, the qualification of their being freemen is not required by the corporation.

Functions and Emoluments of the Serjeants at Mace,

17. The Serjeants at Mace, also called beadles, serve and execute the process of the Borough Court and attend it. They also act as constables. Their Emoluments are derived from the fees payable to them on the service and execution of the process; they also claim a fee of 4*d.* on every oath administered in the court, but have not latterly been allowed to take it.

The resolution of 1793 directs fees of £1 to be paid to each serjeant on the election of a Member of Parliament.

TRALEE.

of the Town Clerk,

18. The Town Clerk gives notice of, and attends the meetings of the corporation, and records their proceedings. He has the custody of the corporation seal and books. Those now in his possession commence in the year 1793. We could not obtain any information as to those of an earlier date. The town clerk is the officer of the Borough Court, and seals and issues its process, keeps its records, enters the rules of court, takes bail, and taxes the costs.

His emoluments are chiefly derived from fees on the proceedings of the court.

He is also entitled, under the resolution of 1793, to a fee of two guineas on the election of a provost, and 10*s.* on that of a burgess. The same resolution gives him a fee of ten guineas on the election of a Member of Parliament.

The present town clerk, who is in office two years, stated that the fees of the office in the first year, including £2 paid him by the provost, amounted in all to about £22.

of the Marshal Keeper.

19. The Marshal Keeper takes charge of goods seized under attachments from the Borough Court until released or sold. Cattle seized are sent to a livery stable or inn, but other effects are kept at the marshal keeper's house. Persons arrested under the process of the court were also committed to his custody, but the power of arrest is now abolished on mesne process for all sums within the jurisdiction of the court, and executions are not issued against the person. His fee on goods delivered to him on an attachment is 2*s.* 6*d.*, which was also the fee on committal of the person. He has no other emoluments.

The present marshal keeper, who has been successively re-elected for the last 11 years, stated to us that his fees, in the first year, amounted to £14, but have declined every year since, and in the last year were only about 10*s.*

The resolution of 1793 professes to give this officer a fee of £3 on the election of a Member of Parliament.

Weighmaster.

20. It seems doubtful whether the office of Weighmaster is in the appointment of the provost. The statute 4 Anne, c. 14, s. 3, (Ireland,) directs that the weighmaster shall be appointed in every city, borough, and market town, by the chief magistrate of the same, "except in places where the tolls and customs belong to any other person, and in such case by said persons;" but the statute does not expressly provide for the case, which occurs at Tralee, of the corporation being entitled to the tolls and customs on some days, and another person on others. No question has, however, arisen on any conflicting claims to the right of appointment. This office is, at present, held by two ladies, under a grant or lease made to them by the late Sir Barry Denny when provost; and as he was then also owner of the tolls, not claimed by the corporation, he filled both the characters mentioned in the statute.

The scales were demised by those ladies for several years at a rent of £20; they were set last year for £25. An opposition has been lately raised on the part of the butchers, who have set up scales of their own at the shambles, which will lessen very much the emoluments of the office.

The lessee has been sworn under the statute.

Freemen.

21. The charter contains the following provision as to Freemen: "And all the inhabitants of the said village, and so many such other men as the provost and free burgesses of the said borough for the time being shall admit into the freedom of the borough aforesaid, we will, constitute, and ordain to be of the commonalty of the borough aforesaid." This is the common provision in the new charters granted by James I., and under it, as in the Sligo case, the mere ground of inhabitancy has not been acted on in Tralee, as conferring a right to the freedom. The few admissions of freemen have been made entirely at the discretion of the provost and free burgesses; and although attempts have been made, on one or two occasions, by some of the inhabitants to act as the commonalty, no recourse has been had to legal proceedings to enforce a claim to freedom, founded on inhabitancy.

Freemen are considered exempt from the tolls levied by the corporation. Their right to share in the election of inferior officers, under the charter, has been already stated; and the charter further vests the power of making bye-laws in the provost, free burgesses, and commonalty. The signature of a freeman to the resolution of 1824, already noticed, is the only evidence we have found of the exercise of this power by any person not a member of the select body.

The corporation has not any exclusive or criminal jurisdiction.

Provost's Court, Jurisdiction and Practice of.

22. The Provost Court is created by the charter. It is a Court of Record for all personal actions of debt, covenants, offences, detinues, contracts and demands whatsoever, not exceeding the sum of five marks, happening or arising in or within the borough or liberties. It is held every Thursday. For sums under 5*s.* a summons is issued, in the first instance, by the provost; but if the parties do not agree to have the case disposed of summarily on the summons, the next process, called an action, is issued, which was formerly, either for the caption of the person or attachment of the goods of the defendant, but is now only against the goods. For sums over 5*s.* the action is generally taken out in the first instance. These actions are under the seal of the corporation, and are issued and signed by the town clerk without an affidavit of the debt. They are, in form, merely a mandate to the serjeants at mace "to arrest the goods of (the defendant) at the suit of (the plaintiff) to the plaintiff's damage of sterling." The sum specified in the body of the action is not always the sum actually due, but the latter is marked at the foot. The plaintiff generally attends with the serjeants at mace on executing the action; and it is considered incumbent on the latter to seize whatever goods of the defendant the plaintiff may show them, though exceeding the sum demanded. The goods seized are committed to the custody of the marshal keeper until released on bail or sold on the suit being decided. The town

clerk takes the bail and gives a discharge to the marshal keeper, for the goods, which are then delivered back to the principal; on the appearance of the defendant to the action, a declaration may be filed against him, and the proceedings go on by regular pleadings, as in the superior courts, to trial by jury. Juries are summoned by the town clerk, on a precept, signed by the provost.

Practice of the late Provost.

The delay and expense of such proceedings for the class of debts usually sued for in this court, materially diminish its utility; and the late Provost, in the several years in which he held the office, endeavoured to introduce a cheaper and more expeditious course. On the appearance of the parties, he offered to summon a jury *instanter* to try the case, and if they did not agree to that proposal, he recommended them to submit the case to arbitration, and the result was, generally, that they left it to himself; his award was entered as the judgment of the court. The provost's fees, by this arrangement, were reduced to a very trifling sum, and the entire expense considerably diminished.

Fees and Costs.

There is no table of the Fees nor any book of the practice of the court. The present town clerk stated that he was guided in the practice, and in the receipt of fees and taxation of costs, by the attorneys attending the court, and from taxed bills of costs. On the proceeding by summons, if the parties go no further, the only fees payable are 4*d.* to the provost for the summons, and 2*d.* to the town clerk for entering the case in the court book. A bill of the plaintiff's costs of a cause which proceeded to trial and final judgment, and taxed by the late town clerk in 1820, was produced to us as that by which the town clerk was chiefly guided at present. These costs amounted, as taxed, to £3 15*s.* 1*d.*, of which the provost's fees were 6*s.* 6*d.*; the town clerk's 11*s.* 3½*d.*; and the serjeants at mace, 3*s.* 2*d.* On a cause referred to the provost, as above stated, the only fee in a bill of costs produced to us as payable to him, is one of 2*s.* 2*d.* for the hearing, but this was latterly not charged. The plaintiff's fees to the town clerk of a case so referred, were 6*s.* 11*d.*

Attorneys.

All Attorneys of the superior courts may practise in this court without a special admission to the court, but few attend it.

Observations on the Court.

This Court, as at present constituted, is liable to much abuse. The absence of all control over the issuing attachments from there not being any previous affidavit of the debt required, and the apparently unlimited power given by this process to a vindictive or litigious plaintiff, are its most prominent defects. On a late occasion of his temporary absence from Tralee, the town clerk left a number of actions signed and sealed in blank, which were afterwards filled up by some of the female members of his family, but we were not apprized of any further abuse of the process having arisen from this. Instances were mentioned to us, in which the execution of the process was alleged to nave been abused by excessive seizures; and for his conduct in one of them a serjeant at mace was dismissed. The court is generally resorted to by the poorer classes, and the costs are quite excessive in proportion to the sums sued for, and demands considered unfair are sometimes settled by defendants rather than incur the expense of litigation in the court. The magnitude of the costs is the more striking from comparison with those of the civil bill jurisdiction. We have alluded to the very praiseworthy endeavours of the late provost to correct this evil, and all parties appear to concur in opinion as to the necessity of a reformation of this tribunal.

The institution of a court of summary jurisdiction, in the nature of a Court of Conscience, for demands under 40*s.*, was recommended on a consideration of the average amount of the sums proceeded for before the provost.

Limitation of the Boundary.

23. Some confusion may arise from the difference between the former Boundary of the borough and that newly adopted under the Boundary Act. The latter includes several houses which were not contained in the old, and for all purposes of municipal jurisdiction the new boundary is sufficiently comprehensive.

There is not any Manor Court held within the limits of the borough.

Tralee is the assizes town of the county of Kerry, and the assistant barrister of the county sits here at quarter sessions and for the trial of civil bills four times in the year.

Petty Sessions.

24. Petty Sessions are held twice a week, Monday and Thursday. The provost and three or four of the neighbouring county magistrates attend. Many cases of small demands for wages, formerly tried in the Provost's Court, are now disposed of at petty sessions, which has caused a gradual decline in the business of that court; the number of cases brought before the petty sessions in the 12 months previous to October 1833, were,

Crown cases	492
Civil	230

There are eight magistrates resident in and near the town.

Gaol.

25. The county Gaol is within the limits of the borough. There is no borough gaol.

Police.

26. The two serjeants at mace are the only local Police; they act as such under a resolution of the corporation of October 14, 1830, which was entered into in consequence of a notification from Government that the county police were not to interfere in the regulation of corporate towns. The corporation resolved that two proper persons should be appointed as corporate beadles "to act as police within the limits of the town, and discharge all the other duties of a beadle." But there were not two additional officers appointed; the new duty was cast on the serjeants at mace, who were previously confined to the execution of the process of the Borough Court. From the state of the public markets this is an insufficient number.

Some of the county police are stationed in the town, and act in the preservation of the peace. There is no nightly watch, and the town is not lighted.

TRALEE.

There are no regular market-places, and the business of the markets is carried on in the public streets, to the great inconvenience of the inhabitants. The provost acts as clerk of the market in examining weights and measures, and generally in correcting abuses and deciding disputes in the markets; market jurors are sworn at quarter sessions.

The streets are repaired by county presentment, and an attempt to introduce the provisions of the new Paving and Lighting Act, 9 Geo. IV. c. 82, was resisted by the inhabitants as unnecessary, and we were informed would still be considered so.

Patronage and Schools.

27. The corporation has not any Patronage. There are not any Schools under its management or control, nor are there any public endowed schools in the town or any deriving aid from public funds, except one, a free school for girls, in connexion with the new board of education.

Property.

28. The corporation has not, nor ever appears to have had any Property, save the tolls already mentioned.

It is stated in a statistical work on the county of Kerry, published in the year 1756,* that by an indenture made 10th May 1627, Sir Edward Denny granted to the provost and burgesses of Tralee the circuit and liberty of the Abbey and all other privileged places in the borough, on condition that he and his heirs should always appoint a town clerk, and he and his heirs to have all the profits of the same. The provost and burgesses were also to pay Sir Edward one hogshead of wine yearly on the feast of Saint Philip and Saint James, and five barrels of wheat with three barrels of malt yearly, upon All Saints' Day for ever, on consideration of his granting to them the tolls and customs of the Tuesday's weekly market and those taken at St. James's fair, the persons collecting the said customs to be liable to the payment of the said duties. We have not found any further evidence of this indenture, but from the minuteness of the statement we presume the author must have seen the original, or a copy. It was suggested to us, and we are disposed to consider the suggestion as probable, that the grant was merely of jurisdiction to the provost and burgesses over the places mentioned, and not of any property in them. The town clerk, as before observed, is appointed by the corporation, and no such payments as those stipulated to be made to Sir Edward Denny are now known. The Tuesday's weekly market and Saint James's fair are those given by the charter to the corporation; but as the grants to Sir Edward Denny by Queen Elizabeth were prior to that charter, the indenture may have been the result of an arrangement to confirm the privileges conferred by the charter on the corporation.

Tolls.

29. The amount of the Tolls has been stated. Those claimed by the corporation are founded on their charter; those of Sir Edward Denny on letters patent. They are collected at four fairs in the year and two weekly markets, on goods sold in the town. There are two schedules; one of the tolls claimed by the corporation at the Tuesday's markets and the Saint James's or August fair, the other of those claimed by Sir Edward Denny on the other days. They nearly correspond; the most material difference is that of a charge on potatoes, which is not claimed by the corporation. The charge in Sir Edward Denny's schedule is one penny to the crown value. This is also the rate of charge made in both on corn, butter in rolls, flannels, and frieze and oatmeal; the rates have been lately reduced by both parties, and many articles formerly charged are now exempted. They have not been latterly complained of.

The new harbour dues have interfered with the tolls on corn, the merchants who had previous to the establishment of those dues paid certain small annual sums to the provost as for toll on the corn bought by them in each year, having discontinued those payments in consequence of the harbour dues. The toll on corn, if levied on the actual quantity sold in the town, would amount to a very considerable sum. It was levied some years back at the rate of five per cent.

The practice of swearing persons leaving the town with cattle as to whether they have been sold or not is stated to be very common; it has been checked by the provost whenever brought to his knowledge.

The toll-collectors are appointed by the provost.

State and Prospects of the Town.

30. The improvements in the trade and general appearance of Tralee have been very considerable of late years, and are rapidly progressive. A local Act, 9 Geo. IV. c. 118, has created a corporate board of commissioners for the purpose of making a navigable canal from the harbour, the effects of which, if successful, will be to enable vessels to come to the town, instead of discharging as heretofore at Blennerville, about one mile and a quarter distant. The basin will be within the limits of the borough. Important advantages to the trade of the town are anticipated from these works, which were commenced shortly before our visit. The commissioners are empowered to impose certain dues on the imports and exports, and on vessels. The dues in the past year produced about £600. The Dues most deserving of notice as affecting the tolls of the fairs and markets, are those on grain, which are, at present:

Harbour Dues.

	d.		
On wheat	2	per barrel of	20 stone.
barley	1½	„	16 „
oats	1	„	14 „

The dues collected are much under those specified in the schedule to the Act.

The following details show the population of the town in 1831, and its increase since 1821, and the state of its trade in several years prior to 1833:

* Smith's State of the County of Kerry.

STATISTICAL DETAILS.

Population.

31. Population in 1831:

Houses inhabited		1,218
„ building		88
„ uninhabited		118
Families chiefly employed in agriculture		452
„ „ in trade and handicraft		759
„ not comprised in the two preceding classes		590
Total		1,801
Persons: males	4,417	
„ females	5,151	
Total	9,568	
Employed in retail trade or handicraft		991
Capitalists, bankers, professional, and other educated men		214
1821: Persons		7,547
Increase in ten years		2,021

It is remarkable that the returns of 1831 do not mention any persons engaged in manufacture. There are many individuals occupying houses of £10 value who are not registered as voters, and the number of houses of that value is increasing.

There were 55 licensed spirit retailers in the borough, for the year ending 10th October 1833.

Trade.

NUMBER of VESSELS and AMOUNT of TONNAGE which Invoiced and Outvoiced at TRALEE, from the Year ended 5th January 1825 to 5th January 1833:

Years ended 5th January.	Vessels from Foreign Countries.		Coasters from and to Great Britain.				Coasters from and to Ports in Ireland.			
			Inwards.		Outwards.		Inwards.		Outwards.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
1827	9	1,595	35	2,686	36	2,859	30	1,085	18	497
1828	7	1,260	31	2,363	44	3,374	19	971	5	112
1829	9	1,593	40	3,355	54	4,460	32	1,342	26	1,259
1830	8	1,954	36	3,032	45	4,299	27	1,138	31	1,287
1831	7	1,580	37	3,343	41	3,985	29	614	17	775
1832	4	1,160	46	3,760	73	5,701	20	812	4	135
1833	7	1,566	46	3,279	91	7,256	16	706	8	537

LEADING ARTICLES of IMPORT and EXPORT at TRALEE, from 5th January 1826 to 5th January 1833.

Year ended 5th January.	Foreign Goods Imported.								British Goods.	Exports to Great Britain.			
	Deals.			Timber.	Staves.			Lathwood.	Spars.	Coals.	Wheat.	Oats.	Barley.	Butter.
	Hd.	Qr.	No.	Loads.	Hd.	Qr.	No.	Fathom.	Number.	Tons.	Barrels.	Barrels.	Barrels.	Firkins.
1827	134	2	5	1,012	84	2	4	11	30	1,009	1,448	32,302	948	6,678
1828	90	2	11	986	55	0	22	18	248	1,058	4,469	16,356	. .	2,601
1829	142	0	6	1,449	47	1	22	31	237	2,420	4,482	32,962	. .	11,458
1830	152	1	0	1,249	146	0	9	20	112	2,636	7,591	41,585	3,012	3,280
1831	144	3	14	1,091	10	0	0	27	108	2,111	10,476	45,909	4,684	2,836
1832	113	2	4	1,067	102	0	16	9	6	1,637	9,181	62,588	6,938	2,331
1833	163	0	2	1,004	53	3	0	18	161	1,141	18,354	68,993	3,948	3,512

General Observations on the Corporation.

32. The services of the provost and serjeants at mace, as above described, and the administration of justice for small debts, in the local court, are the only advantages conferred on Tralee by its corporation, as at present constituted. A feeling of dissatisfaction prevails among a large proportion of the inhabitants with its close and practically exclusive character.

TRALEE.

It is in fact entirely unconnected with the trading and commercial classes, and the great body of the community are debarred from all interest or participation in its proceedings.

We did not understand that the corporation was in any way obnoxious on grounds of religious difference; but the circumstance of all the individuals comprising it being of the Established Church, in a population of which the great majority is Roman Catholic, cannot be wholly left out of consideration. Such an alteration as would give the right of election of the burgesses and provost to at least as extensive a class as that to which the choice of a Representative in Parliament has been confided by the Reform Bill, was stated to be strongly desired by a considerable majority of the inhabitants.

The funds vested in the corporation are obviously insufficient for the due remuneration of the municipal officers; and we have already stated the objections which occur to us to apply to the mode by which the emoluments of the provost are at present made up.

Local Acts.

33. The Local Acts of Parliament relating to Tralee are 52 Geo. III. c. 138, "An Act for maintaining the Road leading from the City of Cork to the Town of Tralee, in the County of Kerry;" 9 Geo. IV. c. 118, (1830,) "An Act for making and maintaining a Navigable Cut or Canal from a point at or near the Black Rock, in the Harbour of Tralee, in the County of Kerry, to Croompanrickard, near the Town of Tralee, in the said County, and for otherwise improving the Harbour of Tralee."

Documents.

34. We send with this Report copies of the following Documents:

Copy of the Schedule of Tolls and Customs claimed by Sir Edward Denny, as lodged with the Clerk of the Peace of the County of Kerry, October 9th 1830.
Ditto of the Schedule of the same Tolls and Customs, lodged Nov. 1st 1830.
Ditto of the Schedule of Tolls and Customs claimed by the Corporation, lodged Nov. 1st 1830.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Tralee, October 16th and 17th 1833.

629

REPORT

ON

THE BOROUGH OF TUAM.

CONTENTS.

	Page
Limits	431
Charters	431
Classes	431
Title	431
Officers named in the Charter	431
Other Officers	431
Freemen	431
Sovereign, how elected	431
Deputy	431
Functions of	431
Emoluments of	432
Free Burgesses, how elected	432
Their Number	432
Qualification of	432
Patronage of the Borough at the Union, and its present State	433
Free Burgesses, Privileges and Functions of	433
Governing Body	433
Serjeants at Mace, their Functions and Emoluments	433
Town Clerk, Ditto	433
Recorder	433
Treasurer	434
Constables and Scavengers	434
Bellman	434
Weighmaster	434
Inspector of Markets	434
Freemen, how admitted	434
Privileges of	434
Jurisdiction	434
Grand Jury	434
Borough Court	434
Manor Court	435
Civil Bill Court	435
Petty Sessions	435
Police	435
Extension of Jurisdiction	435
Gaol	435
Patronage, Schools, and Charities	436
Revenues and Schedules of Tolls	436
Markets and Fairs	436
Remarks on the Tolls, &c.	436
Tolls, how let	436
Expenditure	437
Debt	438
Accounts	441
State of the Town	441
Remarks	441
Local Acts	442
Documents sent	442

BOROUGH OF TUAM.

1. THE Limits of this borough are not defined by charter or ascertained by perambulations, but are generally considered to extend about two miles round the town. LIMITS.

2. The inhabitants of Tuam were first incorporated by a Charter of James I., in the eleventh year of his reign, (1613,) enrolled in Chancery (Pat. 11 Jac. I. p. 1, m. 20,) and the constitution thereby created corresponds with that generally given to the new boroughs then made by this monarch. Its provisions will be noticed in the course of this Report, as it is the charter by which the corporation professes to be governed at the present day. CHARTERS.

James II. granted a charter to this borough, in the fourth year of his reign, which has not been acted on since the Revolution. It is enrolled in Chancery (Pat. 4 James II. p. 1, m. 41.)

3. The corporation consists, by the charter of James I., of a sovereign, 12 free burgesses, and a commonalty. Classes.

4. The Title is "The Sovereign, Free Burgesses, and Commonalty of the Borough of Tuam." Title.

5. The officers named in the charter are, Officers named in the Charter.

A Sovereign,
Twelve Free Burgesses,
Two Serjeants at Mace.

6. Other officers appear at times to have been appointed, namely, Other Officers.

A Town Clerk,
Recorder,
Treasurer,
Constables,
Scavengers,
Inspectors of Markets,
Bellman,
Weighmaster.

7. There are not at present any Freemen regularly admitted as such, except one honorary freeman, the Marquis of Anglesea. The members of the corporation of late years have admitted the inhabitants of the borough to act as the commonalty on some occasions in which that body has by the charter a right to interfere. Freemen.

8. The Sovereign, formerly called "the Superior," is elected annually by the majority of an assembly consisting of the sovereign and free burgesses, on the feast of the nativity of St. John. He must be a free burgess. He is to hold the office for one year from the feast of St. Michael, and until another shall be duly elected and sworn. His oath of office is to be administered on the feast of St. Michael by the sovereign of the preceding year. Power to fill a vacancy happening in the office during the year, is given to the free burgesses and commonalty. Notwithstanding the provision of the charter which requires the sovereign to be sworn before his predecessor, the same individual has been frequently re-elected. The present sovereign has been re-elected successively for the last six years. A resolution of the sovereign and burgesses was made in the year 1699, against the practice, but repealed in 1736. The resolution of 1699, was revived in 1818, and again repealed in 1823. In 1822 an election of the sovereign occurs by the free burgesses alone, the sovereign having refused to attend. Sovereign, how elected.

9. There is no power given by the charter to appoint a Deputy Sovereign, but numerous instances of such appointments occur in the records of the corporation; the last we find in 1812, when the appointment is stated to have been made by the sovereign and burgesses, agreeably to "antient usage and a bye-law of the corporation." We have not found the bye-law referred to. Deputy Sovereign.

10. The sovereign is the chief officer of the corporation, and presides at all corporate meetings. Functions of the Sovereign.

He is the judge of the Borough Court.

He acts under the charter as clerk of the market, and appears in that capacity to exercise a discretionary power of fining persons committing nuisances or violating the regulations of the markets.

Although nominally chief magistrate of the town, the sovereign is not, as such, a justice of the peace, and does not act in that character. It has been stated to us as very desirable that the sovereign should be *ex officio* a magistrate of the county. The present sovereign was appointed a county magistrate on the petition of the burgesses in 1828, being then sovereign, but afterwards superseded on a representation being made of his acting as a proctor in the Consistorial Court of the Archbishop of Tuam.

TUAM.

Emoluments of the Sovereign.

11. The Sovereign is at present paid a Salary of £50 a-year from the revenues of the corporation. In the commencement of the last century he appears to have received the entire of the revenues, subject to certain payments to the other officers, and to the expenses of an entertainment to the corporation. In 1725, we find a salary of £30 allowed to the sovereign; in 1726, he was to have two-thirds of the sum which the revenues produced, which would amount to about £40; in 1818 it was declared that the sovereign's salary should be one-fourth of the tolls. The present fixed salary has been since appointed.

There are certain fees payable to the sovereign on proceedings in the Borough Court, but that court has been for some time discontinued. He also claims fees on affixing the seal of the corporation to documents to be used abroad.

The annual corporation dinner has been abolished since 1819, and there are not now any expenses incident to the office of sovereign.

Free Burgesses, how elected.

12. The Free Burgesses are elected by the sovereign and free burgesses, and hold the office until death, removal, or resignation.

The charter empowers a majority of an assembly consisting of the sovereign and free burgesses, to supply vacancies within seven days of their occurrence. A bye-law was made in 1701, that no burgess should be elected, but at a court consisting of seven burgesses at least, and the sovereign; this was altered in 1713, by a resolution that any five burgesses (the sovereign to be one) might elect a burgess. A resolution of 1716 required the presence of the sovereign and six burgesses; this was repealed in 1717, and the election was fixed to be in the majority of those present; at the same time the corporation took upon themselves to alter the time of election by providing that it should be on the 19th day after a vacancy, but, in fact, the elections are now held within the period of seven days prescribed by the charter.

Their Number and

13. There are 13 free burgesses, including the sovereign; the number was increased to 20 by the charter of James II. The names of the new burgesses then appointed are entered in the books of the corporation; but many of them afterwards appear, in 1691, attending the corporation meetings merely as freemen.

Qualification.

A practice appears to have prevailed for many years in this corporation to receive the resignation of a free burgess, accompanied by a recommendation naming his successor, and sometimes the resignation was in form directly from one to the other, who was elected accordingly; a rule was made in 1701, and again in 1706, against this practice, but it still continued; the latest instance of it occurs in 1785. There is not any Qualification required in the burgesses in respect of property; the charter only directs that they shall be chosen "out of the better and more honest inhabitants of the borough." This qualification as to residence is at present required, and all the burgesses are inhabitants of the borough, but it was formerly entirely neglected, and numerous instances occur in the corporation books of the election of non-residents. Care was at times taken to enforce the attendance and services of the burgesses at the meetings of the corporation, and several instances occur of burgesses disfranchised for non-attendance, and being remote from the borough. The entries state these disfranchisements to have been "of mere necessity." In 1817, the then resident burgesses determined that the qualification of residence required by the charter should be enforced, and a meeting of the corporation was held on the 26th April in that year, for the special purpose of electing burgesses from "out of the resident inhabitants of the town in the room of the burgesses who were not resident," notice of the meeting, and of its object, was given to the non-residents; and on that day one of the burgesses was disfranchised for swearing in two persons to collect the tolls and customs of the corporation in opposition to the sovereign, and three on whom service of notice to attend was proved on oath, and who did not attend when called on, were disfranchised, and three others elected in their room. Subsequent meetings were held on the 14th, 15th, and 16th days of May 1817, for the same purpose, and on the last of those days two others of the burgesses were disfranchised for non-attendance; and on the 24th June, in the same year, similar proceedings were adopted against two other burgesses. The places of all were filled up, and no legal proceedings appear to have been taken on the part of those then disfranchised to question the acts of the resident burgesses. It is to be observed that Tuam is, or at least was before the Union, a city according to legal definition, and therefore not within the operation of the statute 21 Geo. II. c. 10, s. 8, which allows, in some cases, the election of non-resident officers.* The power of amotion of the burgesses for misconduct, is given by the charter to the sovereign, and the major part of the burgesses; the number present on the 26th of April 1817, was but six, including the sovereign, and the resolutions of disfranchisement state their having been made by the sovereign and burgesses assembled by and with the consent of the commonalty. At the same meeting the then sovereign, from ill health and indisposition, resigned his office, and one of the burgesses was elected by the burgesses and commonalty for the remainder of the year.

The present burgesses, with the dates of their admissions, are,

Major Wm. Burke,	23d June 1815.	Doctor Madden,	7th July 1823.
Charles Blake,	17th December 1816.	James Henderson,	12th January 1824.
Paul Mannion,	26th April 1817.	Richard Savage,	11th September 1826.
John F. Brown,	same day.	Thomas Keary,	14th February 1829.
John Martin,	23d January 1822.	Dennis Kirwan,	5th August 1831.
Myles Egan,	23d September 1822.	Patrick S. Keary,	7th August, 1832.
Thomas Browne,	14th October 1822.		

* See the Report on Galway, *ante*, p. 320.

TUAM.

Patronage of the Borough at the Union, and its present state.

14. At the period of the Legislative Union the Borough was under the Patronage of the Honourable Walter Yelverton, and John Lord Clanmorris, and the sum of £1,000 was paid to the former, and £14,000 to the trustee in the marriage settlement of the latter, as compensation for the loss of the privilege of sending Members to Parliament. The corporation has since become independent, and in the year 1811 the entire body of the burgesses was voluntarily changed. On the 30th September in that year seven burgesses having resigned, their places were filled by persons elected by the remaining five then present; and the new burgesses being sworn, those five then immediately resigned, and the number was soon afterwards completed by new elections. It was resolved by the sovereign and burgesses in 1818, that no second member of the same family or connexion should be elected a burgess, but the resolution was rescinded in 1822. Of the present burgesses, it was stated to us, that there are two families, of each of which there are two burgesses; that four of the burgesses are nearly related; and that there is a family connexion through them all. The office is sometimes canvassed for. The sovereign and burgesses of Tuam are all, with one exception, of the Roman Catholic religion, which is that of the majority of the inhabitants and persons in trade. It was stated to us that there are not now any religious or political prejudices in the election of burgesses, but that within the last few years great efforts have been made by individual burgesses to have their own friends elected, in order to have a majority.

Privileges and Functions of the Free Burgesses.

15. The Free Burgesses have not any emoluments; they are exempt from the tolls and customs claimed by the corporation; some take advantage of the Privilege, others do not.

They have not individually any functions or duties to perform, but, with the sovereign, they constitute the select, or Governing Body of the corporation.

Governing Body.

Its Powers, &c.

16. In this body, by the charter, is vested the sole Power of election of the sovereign and burgesses, as already detailed. They also, before the Union, were alone entitled to vote in the election of Members for the borough in the Irish Parliament. The power of admitting freemen is also given to them by the charter. They meet regularly on the 24th June and 29th September, the charter days, for the election and swearing in of the sovereign, and occasionally at other times for electing burgesses and other officers, letting the tolls and customs, and transacting other corporate business. Their assembly is called, in the corporation books, "A Court of Burgesses," and a bye-law was enacted in 1817, "that no such court should be held unless each burgess should be duly served, at his house, with notice of such court to be holden, except in the event of the decease or removal of burgesses, in which case a notice of six clear days, according to charter, would suffice, and it be required of the serjeant at mace to make affidavit of the service of such notice on each individual burgess, and that any court held contrary to the tenour and intentions of that law should be considered nugatory, and its proceedings null and void." The rules, at times, made as to the numbers who should be in attendance to elect a burgess, have been already mentioned. A similar rule was made in 1744, as to the election of freemen, "that no freeman should be made but at a court of burgesses, where eight should be present, besides the sovereign;" this was altered in 1745, by reducing the required number to six.

Although the charter vests in the sovereign, burgesses, and commonalty the power of electing two serjeants at mace and other inferior officers, and that of making bye-laws, we find that in practice these powers, especially the former, have been generally exercised by the Court of Burgesses alone, without any attendance of the commonalty or freemen, who were rarely called to the corporate meetings, except on occasions of elections to the office of sovereign, on vacancies happening in the year, of which numerous instances have occurred.

Serjeants at Mace, how elected.

17. The Serjeants at Mace are elected by the sovereign and free burgesses. They are, by the charter, to continue in their offices during good behaviour, or at the will and pleasure of the sovereign, free burgesses, and commonalty. Instances occur in the corporation books of their being annually elected.

Their Functions,

They act as bailiffs, or constables, under the sovereign, in the regulation of the markets, removal of nuisances, &c. They summon the free burgesses to the corporate meetings, and are bound to serve and execute the process of the Borough Court.

and Emoluments.

They have salaries of £5 a-year each, and a suit of clothes, and are permitted to reside in the market house, or town house, which belongs to the corporation. They have the following fees on the execution of the process of the Borough Court:

	s.	d.
Service of summons - - -	0	5
Executing attachment - -	1	1
Executing decree - - -	1	1

Town Clerk.

18. The Town Clerk was formerly elected by the sovereign and free burgesses. The office appears to have been held for life, but there are instances of annual elections. This officer has been latterly appointed by the sovereign for his own convenience, and is not now expressly recognised as a servant of the corporation. The last election by the sovereign and free burgesses appears to have been in 1799.

The town clerk's duties appear to be to act as register of the Borough Court, and to record the proceedings of that court and of the corporate meetings.

He had formerly a small salary from the corporation, which was fixed at £3, in 1743. The emoluments of the office were latterly derived from fees on the proceedings of the court.

Recorder.

19. The election of a Recorder by the sovereign and free burgesses occurs frequently in the books of the corporation from a very early period; it was annual, and the individual

TUAM.

elected was one of the free burgesses. The last election was in 1811. The burgess then elected appears to have signed the corporate proceedings, as recorder, for some years. He was the individual disfranchised in 1817, for swearing in a toll collector in opposition to the sovereign, and no recorder was since appointed. We have not discovered a trace of the performance of any particular duties by this officer, as such. He had formerly a small salary; sometimes £2, sometimes £4. The recorder appointed in 1811 was to have £5.

Treasurer.

20. One of the free burgesses was occasionally elected Treasurer by the sovereign and free burgesses. The last appointment to this office was in 1818. The functions of this officer are sufficiently indicated by his title. He had no salary or other emoluments. Of late years the sovereign has generally acted as treasurer.

Constables and Scavengers.

21. Constables and Scavengers were appointed by the grand jury, afterwards noticed, and small sums applotted for their salaries on the inhabitants. No such officers have been appointed for many years past.

Bellman.

22. The name of a Bellman, and the payment of a salary of £3 to this officer, occur in the sovereign's account for the years 1819 and 1820; we do not find any later appointment or payment of this officer.

Weighmaster.

23. A Weighmaster was appointed for the borough, and sworn in 1706, under the provisions of the statute 4 Anne, c. 14, s. 3. (Ireland,) and a public crane established. Subsequent appointments to this office, in 1732 and 1744, were made by the sovereign and free burgesses; we have not found any later appointments to this office, save that in 1817 three persons were sworn weighmasters; but it appears that, in fact, the crane and weights were purchased by, and are the property of the corporation, and the charges for cranage, so long back as the year 1751, have been demised, with the tolls and customs, and are actually incorporated with them in the public schedules. These charges will be again noticed in that part of this Report which relates to the tolls.

Inspector of the Markets.

24. Inspectors of the Markets were appointed occasionally by the grand jury before alluded to, and the name of a clerk of the market occurs in the records of the corporation, apparently distinct from the sovereign, but we find no such mention of a clerk of the market later than 1745.

Freemen, how admitted.

25. The charter contains the usual clause found in those granted at the period, that "all the inhabitants, and such and so many other men as the sovereign and free burgesses shall admit to the freedom of the borough, shall be of the commonalty." The books of the corporation contain many entries of the admission of Freemen, and regulations imposing fines called quarterage, on those who traded in the borough, not being free, and settling the fees on admission; non-residents were, at times, admitted to the freedom, but for several years past there have not been, with the single exception of the Marquis of Anglesea, when Lord Lieutenant of Ireland, any admissions of freemen, and the corporation has in some instances acted on the most enlarged interpretation of the charter, as entitling the inhabitants of the borough, without any formal election or admission as freemen, to exercise the powers given to the commonalty as already mentioned.

Privileges of Freemen.

26. The Freemen appear to have been exempt from the tolls; they had no other Privileges. Their functions as a constituent part of the corporation have been already stated.

Jurisdiction.

27. No exclusive or criminal Jurisdiction is granted by charter to the corporation, nor is any criminal jurisdiction now exercised by it or by any of its officers.

Grand Jury.

28. A court, however, was formerly held for the borough before the sovereign or his deputy, at which a Grand Jury was sworn. They were probably freemen, as there are entries describing it as "a court of freemen;" the numbers of the jury varied from 12 to 18, and the foreman was almost always a free burgess; their proceedings appear to have been very regular for a number of years, but we find no trace of them subsequent to 1758, in which year the grand jury summoned did not attend. This court seems to us to have originated in the power of making bye-laws given to the sovereign, free burgesses, and commonalty, as the similar jurisdiction we have described existing so recently at Ennis. Whatever may have been the foundation of it, the powers exercised by this tribunal were various and extensive. The grand jury presented nuisances on the roads and streets, forestallers, persons exercising trades, not being free, and receivers of stolen goods; appointed constables, scavengers, inspectors of the markets, overseers of the roads and bridges, and watchmen; and passed presentments applotting various sums on the inhabitants of the borough for payment of salaries for some of those officers; providing arms for the watchmen, purchasing weights and measures, repairing and cleansing the streets and bridges, and providing a public pound. They also made regulations as to various trades, and appear at times to have tried cases of assault. Freemen were sworn in before them; they acted also as the jury of the Court of Record in civil actions.

Borough Court.

29. The Court of Record is created by the charter, which empowers the corporation to hold such court before the sovereign on every Wednesday, "from week to week, for all actions of debts, covenants, trespass, detinue, contract, and personal demands whatsoever, not exceeding the sum of five marks sterling, which shall arise or happen within the said borough of Tuam or the liberties thereof." This court was very regularly held until a few years past.

Form of Proceedings.

The Proceeding was by plaint, summons, and attachment against the goods of the defendant. A power of arrest of the person appears formerly to have been exercised. In actions against a stranger indebted to an inhabitant of Tuam, the attachment was issued without previous summons, on an affidavit of the debt, and that the debtor was about to leave

the town. In other cases the attachment did not issue until the party had failed to appear on the summons. Causes were sometimes disposed of summarily on the summons; but if the parties did not consent to this course, the attachment issued, and on its being returned, and the parties appearing, they proceeded by regular pleadings to an issue, tried before a jury. The sovereign was judge of the court, and taxed the costs. Goods taken on the attachment were released on bail being given, but if not bailed they remained with the serjeant at mace until judgment was had in the cause, when they were sold for payment of the debt and costs. Execution issued against the goods only. Five or six weeks intervened in a litigated cause between its commencement and conclusion. The usual Costs of such a cause were about £3, including the attorney's fees and those of the court. Attorneys frequently practised in this court; the quantity of business done in it was considerable, the number of causes instituted having been from 300 to 400 in a year. Costs.

The sovereign has discontinued holding this Court for some years; the court has not been held for the trial of a cause since 1826; a few summonses were issued in 1829 and 1830, but the causes were settled without further proceedings. This is the last occasion of business being done connected with it. The sovereign, who has held the office for the last six years successively, and who succeeded his father, who had been sovereign for two years, assigned as his reason for not holding the court, that he and his father had been subjected to vexatious suits by persons, generally paupers, who had been proceeded against in the court, and who were instigated by an attorney, a son of one of the burgesses disfranchised in 1817, who declared that he became an attorney for the purpose of annoying the corporation. The sovereign stated, that he and his father were put to costs by these parties, and on account of which he has still a demand against the corporation, some of the costs having been paid by them. The sovereign expressed his belief that the parties to these suits did not really dispute the jurisdiction of the court, but depended on the corporate funds not being able to bear the expense; none of the causes were brought to trial, but the institution of them, and the apprehension of being subjected to a recurrence of such opposition have deterred the sovereign from resuming the business of the court. He stated that very numerous applications have been made to him to do so, but he declined them; and an opinion was generally expressed that the discontinuance of the court has been attended with much inconvenience to the inhabitants. In expressing their opinions as to its revival, the persons examined generally suggested, as necessary, a diminution of the costs, an extension of the jurisdiction in amount to £10, the assistance of a professional judge, and the institution of an appeal to the judges of assize, or assistant barrister, instead of the power of removal by *certiorari* or writ of error. The Court discontinued, and why.

30. There is not any Manor Court held within the limits of the borough. The present sovereign, who, as before observed, is a proctor of the Consistorial Court of the Archbishop of Tuam, stated he had heard that the archbishop had a patent for a Manor Court; but the only trace we have found of an attempt to exercise a manorial jurisdiction is in an entry in the corporation books of 1716, in which a burgess was censured for replevying, as seneschal of the archbishop, a distress taken by the deputy sovereign; and the sovereign and burgesses resolved "to proceed according to law in defence of their charter, and the liberties thereby granted, against any person not a member of the corporation, who should, as seneschal of any person, grant or execute any such replevins within the corporation." It does not appear whether the distress had been taken by the deputy sovereign in his individual or in his official capacity. Manor Court.

31. The assistant barrister of the county of Galway sits twice in the year in Tuam. The town of Galway is in the same district, and one of the grounds of complaint of the inhabitants of Tuam at the discontinuance of the Borough Court, is the necessity they are sometimes under of going from Tuam to Galway on trials by civil bill for small debts. The distance is 20 statute miles. Petty Sessions are held in Tuam by county magistrates, of whom five reside within the limits of the borough. Civil Bill Court. Petty Sessions.

32. There is no local Police, save so far as the serjeants at mace may act as such in reference to the markets; a portion of the county constabulary force is stationed in the town, but not subject to the sovereign, from his not being a county magistrate. Police.

The town is not lighted, flagged, or watched, and no attempt has been made by the inhabitants to avail themselves of the provisions of the Paving and Lighting Act, 9 Geo. IV. c. 82.

The streets are repaired by county presentments, but some parts appear to have, at times, been repaired by the corporation. The presentments of the grand jury, already noticed in section 28, show that the streets and bridges were repaired, and the town lighted and watched, for a long period, by local assessments on the inhabitants; but these presentments have been discontinued since 1758. Charges for paving the North-street are contained in two accounts, presented by the sovereign in 1702, and the sovereign's account, presented in 1820, afterwards noticed under the head of expenditure, section 40, contains some items for repairing the bridge and paving some lanes in the town, but we do not find any particular obligation existing on the corporation to apply their revenues to such uses.

33. We are not apprized of any facts on which the Extension or Limitation of the present boundary of the borough, could be, with propriety, suggested. Whether the Jurisdiction requires Extension.

34. There is not any borough Gaol. There was formerly a building called the Guard House or Gaol of the Corporation, for the repairs of which presentments were made by the grand jury; it appears to have been connected with the watch. There is a county bridewell in the town; the corporation has not any control over it. Gaol.

TUAM.

Patronage. Schools and Charities.

35. There is not any Patronage in the hands of the corporation, and there are not any Schools or Charitable Institutions in any way connected with them.

Revenues.

36. The Revenues of the corporation are derived solely from the charges collected under the head of tolls and customs at the markets and fairs held in the town; they are collected according to the following schedule, which we insert at length, to show the way in which the charges for cranage are mixed up with the others; to this we have alluded in noticing the office of weighmaster, in section 23.

	d.
Earthenware or pipes, per carload	2
Wheat, custom and cranage, per bag	3
Oats, per cwt.	1
Bere and barley, ditto, per bag	3
Malt, per cwt.	1
Oatmeal, per cwt., custom and cranage	2
Potatoes, per load 1*d.*; bag, ditto	2
Cows or bullocks slaughtered, ditto	5
Sheep, lambs, or kids, each	1
Live pigs	2
Slaughtered pigs, customs and cranage	3
Veal and calves, each	1
Salt, per carload, each week	2
Butter in casks or crocks, per 14lbs.	1
Cows, heifers, and bullocks, fair days, per	4
Sheep sold on fair days, per	1
Flannels or friezes, three markets ditto, per piece	2
Hucksters' standings, each, per week	2
Hatters	3
Cabbage, per carload	1
Hay or straw, per ditto	3
Worked timber and rods, ditto	6
Onions, per ditto, fair or market days	5
Fruit, per load	3
Lemons, oysters, and honey	2
Wool, per sack	6½
Cranage, each draft under 5 cwt	1
Ditto, each ditto, over 5 cwt	3
Soap and candles, per cwt. or box	2
Horses and colts, per head	4
Leather cutters and brogue makers	2
Hides, custom and cranage	2
Horse and calf skins, ditto	1
Covered standings, market days	3
Uncovered ditto, on ditto	2
Asses, per head	2

THOMAS SAVAGE, Esq. Sovereign.
PETER RYAN, Sen. Toll Farmer, 1824.

MARKETS and FAIRS.

37. The charter grants to the corporation power to hold a free Market every Thursday, weekly, and a yearly Fair on the feast of St. John, and the day following; and grants to them the tolls, customs, &c. belonging thereto. The fair given by this charter is not now held, and the market day has been changed by the corporation from Thursday to Saturday; when this was done we could not ascertain; it is stated that the change has not produced the least inconvenience to the public, but that advantage has been taken of it formerly, by litigious people, to resist payment of the tolls on Saturday. They are not, at present, resisted; and Saturday is said to be the more convenient day, as there are two neighbouring markets held on Thursday, those of Dunmore and Shruel, which are within nine miles of Tuam. The corporation claims to hold by patent four other fairs on the 10th day of May, 4th day of July, 10th day of October, and 15th day of December.

Remarks on the Tolls, &c.

38. These tolls are considered oppressive, particularly that on potatoes; the charges for cranage are not payable by law to the corporation, being given by the statute 4 Anne, c. 14, to the weighmaster to be appointed under the authority of that Act, and in amount they exceed the sums therein prescribed. It appears to us to be contrary to the policy of this statute, that the cranage should be a source of profit to the corporate body, in whose chief magistrate the appointment to the office is vested, as we apprehend, for the protection of the public from extortion in the officer.

Tolls, how let.

39. The Tolls have usually been set annually by the sovereign and burgesses, by public cant or advertisement; sometimes a power was given to the sovereign to dispose of them for his own use, on the terms of paying their salaries to the recorder and serjeants at mace, and sometimes the sovereign became the lessee. For several years following 1700, the sovereign generally gave up the surplus, after paying the inferior officers, to defray the expenses of building the market house; and it appears, that in 1713 the sum of £200 was in the hands

of the treasurer, which was ordered to be so expended. In 1718 the building was completed at an expense of £478 16*s.* 0½*d.*; and there being probably a balance due to the treasurer, the rule requiring the customs to be set for one year only, was altered, and they were set to the treasurer for seven years at a small rent. On the expiration of this demise they were again set annually, as before, and in some years collected by the sovereign. In the year 1827, they were set for five years to the committee for building the new Roman Catholic chapel or cathedral of Tuam; that term has expired, but the committee has been allowed to continue in possession.

The following table shows the amount of the rent, at various periods, from 1700:

	£	*s.*	*d.*
1703, and several years after - - - -	25	10	0
1715 - - - - - - - -	41	0	0
1717 - - - - - - - -	45	0	0
1718 (setting for seven years to the treasurer) -	9	6	0
1725 - - - - - - - -	49	5	0
1730 - - - - - - - -	76	0	0
1741 - - - - - - - -	80	0	0
1746, cranage excepted - - - - -	86	0	0
1751, with the cranage - - - - -	105	0	0
1780 - - - - - - - -	130	0	0
1785 - - - - - - - -	140	0	0
There is no entry of a letting in the corporation books from this date to 1819.			
1819 - - - - - - - -	230	0	0
1820 - - - - - - - -	210	0	0
1821 - - - - - - - -	200	0	0
1827 (lease to the chapel committee) - -	250	0	0

The sovereign stated that, according to his judgment and belief, the actual produce of the tolls was about £400 a-year, and that they would now let for £300 a-year, exclusive of the toll on potatoes.

40. The principal Expenditure of the corporation, in the period from 1700 to 1725, was in the erection of the market house. It has been since kept in repair by them; and in 1820, the sum of £122 7*s.* 1*d.* was paid for purchase of, and putting up a town clock in it, and the sum of £308 11*s.* 4*d.* in repairing the building. The corporation in consequence became indebted to the then sovereign, Charles Blake, Esq., by whom this expenditure was made; and by his account to the 27th September 1820, the balance due to him was £325 11*s.* 4½*d.* The corporation also erected a crane, and purchased weights and measures from time to time. There is not any account entered in their books from which the disposal of the revenues can be ascertained from 1725 to 1819, but they appear to have been employed in payment of the salaries of the sovereign and inferior officers, the repairs of the market house, and an annual entertainment on Michaelmas day, which was abolished in 1819. The sovereign, in 1818, devoted them to the relief of the poor. On the balance above stated being found due to Mr. Blake, the corporation resolved that it should be paid out of the receipt of the tolls and customs for 1821 and 1822, with interest, from the 29th September 1820; and if any balance should then remain unpaid, 10 of the burgesses, including Mr. Blake, bound themselves to have their proportions of it discharged. This balance was not liquidated at the period when the tolls were let in 1827; and further demands had, in the interval, accrued to Mr. Blake against the corporation, chiefly in respect of law costs, paid by him, in two cases of Burke *v.* Blake, and Larkin *v.* Savage. The account then furnished by him, showed a balance of £401 9*s.* 4*d.* The person who was tenant of the tolls, under a written agreement, also claimed a sum due to him for money expended on behalf of the corporation, of which no account appears in the corporation records, but which was stated to have been for payment of the sovereign and corporate officers, keeping in repair the town clock, and costs. He refused to give up the tolls until paid; the amount was stated at £210. This sum was advanced to the corporation by the chapel committee, and the lease above mentioned of the tolls was made to them; it is dated the 30th October 1827, and the rent of £250 a-year was provided to be paid in the following manner: Expenditure.

£68 per annum to Mr. Charles Blake to discharge the debt of £401 9*s.* 4*d.*, which is stated in the lease to be due to him by the corporation.
£50 to the sovereign.
£10 to the serjeants at mace.
£10 for clothing for the serjeants at mace.
£10 for rent of the shambles.
£10 for rent of the fish-market.
£42 to redeem the sum of £210 paid as above mentioned.
£50 as a subscription by the corporation to the erection of the chapel.

£250

No account had been settled by the lessees with the corporation at the period of our visit, but the committee had made the several payments according to the lease. The permanent expenditure of the corporation, if free from debts, may be stated to be for the salaries of their officers, the rents of the shambles and fish market, and the repairs and care of the market house and clock; and there would, therefore, probably be a considerable surplus.

The sovereign estimated the surplus at £300, if the tolls were collected directly by the corporation.

Debt.

41. The Debt due to Mr. Blake was not discharged at the time of our visit. He stated to us that there remained from £107 to £120 due to him by the corporation; his accounts were, in 1828, referred to a committee, and afterwards revised by a meeting of the inhabitants, who passed resolutions reducing the balance £60, and declaring it a just debt to be secured out of the tolls and customs. No account has since been settled with Mr. Blake. Of the reduction of £60, the sum of £50 was for Mr. Blake's salary as sovereign in 1820, struck off as not being claimed in his first account, though admitted to be a just claim; £10 was disallowed on account of travelling and other expenses in attending the trial of the cause of Larkin *v.* Savage. The following are copies of the accounts:

Dr. The Tuam Corporation in Account Current with Charles Blake, Esq. Sovereign. Cr.

1819.		£.	s.	d.	£.	s.	d.
Oct. 1.	To Paid Thomas Burke for the corporation account book	0	4	4			
18.	Paid William Merrick for livery for the serjeants at mace	19	10	6½			
,,	Paid for a dungcart	7	19	3			
,,	Paid for a pickaxe	0	5	2			
,,	Allowed Thomas Manion for sundry disbursements	1	12	5			
,,	Paid Michael Higgins, mason, for repairing the bridge	0	10	6			
Nov. 5.	Paid for a bill for Lawrence Higgins	0	1	3			
					30	2	11½
,,	Paid Michael Higgins for making and repairing the shambles gates	4	4	2			
Dec. 9.	Paid for printing and advertising	1	16	8			
17.	Paid for paving Chapel Lane, per receipt	7	8	2			
24.	Paid for repairing Kitty, the cripple's, house	0	18	0			
1820.							
Jan. 25.	Allowed Thomas Manion for sundry disbursements made for account of the corporation, per account	4	19	7			
,,	Paid for a record book, and binding the old one	0	17	6			
					20	4	1
April 8.	Paid Simon Hacket, for stone cutting	8	0	0			
,,	Paid for paving the channel beyond the bridge	0	9	1			
14.	Paid Dr. Kelly, for dressing the persons whipt	1	2	9			
May 4.	Paid Mrs. Carroll, per order of the burgesses	2	0	0			
,,	Paid Mrs. Douay, ditto	1	0	0			
14.	Paid postage of proclamations	0	4	2			
,,	Paid for paving and draining the shambles	0	7	6			
					13	3	6
,,	Allowed Thomas Manion, for sundry disbursements	3	1	5			
,,	Paid for gravelling the bridge and Tullendaly Road Hill	0	5	0			
,,	Paid Laurence Higgins wages for last year	2	0	0			
Sept. 25.	Paid serjeants at mace their salary: Pat Tracy £6, Pat Vesey 6						
		12	0	0			
,,	Paid Laurence Higgins, bellman, one year's salary	3	0	0			
,,	Paid Brooks one year's salary rent for shambles	3	8	3			
					23	14	8
,,	Paid Thomas Manion, per account	0	2	1			
,,	Paid carman's hire for 20 days attending paver 2*s.* 8*d.*	2	14	2			
					2	16	3
,,	Paid one year's salary as sovereign				57	10	0
,,	Balance appropriated towards the clock and repairs of the market-house				105	7	0½
					252	18	6
,,	Paid John Gaskin, Dublin, for a clock, &c.	112	11	3			
,,	Paid expenses of the man to put up the clock	7	19	8			
,,	Carriage ditto	1	16	2			
					122	7	1
	Carried forward				£122	7	1

1820.		£.	s.	d.
Aug. 30.	By cash received from John T. Browne, Esq. balance remaining in his hands of last year's tolls and customs	22	18	6
Sept. 29.	By one year's rent of the tolls and customs of Tuam received from Mr. Thomas Manion	230	0	0
		£252	18	6
1820.				
	By balance carried over from annexed account	105	7	0½
Sept. 27.	By balance due to Charles Blake, Esq. by the corporation	325	11	4½
		£430	18	5
	Carried forward	£430	18	5

Dr. The TUAM CORPORATION in ACCOUNT CURRENT, continued. Cr.

		£.	s.	d.		£.	s.	d.
	Brought forward .	122	7	1	Brought forward .	430	18	5
	REPAIRS OF THE TOWN HOUSE.							
1820.								
Sept. 2.	To paid for timber and slates, per particulars annexed . . .	144	13	2				
,,	Carriage ditto from Galway . .	12	5	8				
				156	18	10		
,,	Paid slaters, per account . . .	10	1	4				
,,	Paid nailers ditto	16	13	7½				
,,	Paid sawyers ditto	9	10	11				
,,	Paid Breheney Smith ditto . .	0	9	0				
				36	14	10½		
,,	Paid John Dillon, for erecting, projecting, fitting, cutting, and contriving, &c.	29	11	1				
,,	Paid for measurement . . .	1	10	0				
,,	Paid for stone cutters . . .	11	18	6				
,,	Paid for lime, sand, carmen's hire, masons, labourers, &c. .	46	16	10				
,,	Paid M'Loughlan, glazier . .	1	7	1				
				91	3	6		
,,	Paid for plastering	1	10	0				
,,	Paid Burn, the painter . . .	0	18	0				
,,	Paid Michael Roche, per bill .	1	9	0				
,,	Paid Thomas Kenny, for lathing nails	0	5	0				
,,	Paid John Connolly, per bill .	0	1	9				
				4	3	9		
,,	Paid carriage timber and sand .	0	10	1				
,,	Paid Terence Joyce	1	4	5				
,,	Paid Michael Concanon, mason .	0	2	8½				
,,	Paid Thomas Kicks	0	12	0				
,,	Paid Mrs. Dean Burton . . .	2	4	2				
				4	13	4½		
,,	Paid Thomas Burke	9	0	6				
,,	Paid John Elwood	0	2	0				
,,	Paid Pat Neland	4	16	2				
,,	Paid Stephen Bohan	0	16	3				
,,	Paid Pat Gany, turner . . .	0	2	1				
				14	17	0		
	Total . .	£430	18	5	Total . .	£430	18	5

The Corporation of Tuam, Dr. to Charles Blake.

1820.					£.	s.	d.
Feb. 29.	To balance due me this day				325	11	4½
,,	To my salary as sovereign for the year 1820				50	0	0
,,	To cash paid Michael Heddican, per account				0	2	8
,,	To cash paid for mending town cart, per Hughes				0	7	6
1821.					376	1	6½
April 4.	Cr. by cash this day from Mr. Thomas Manion		£112	9 6			
,,	To interest on £325 11*s.* 4½*d.* from 29th February 1820 to 29th September 1820, being 7 months	£11 8 2½					
,,	To interest on £376 1*s.* 6½*d.* from 29th September 1820 to 4th April 1821	11 9 1					
			22	17 3½			
					89	12	2½
1822.					286	9	4
May 25.	By cash this day from Mr. Thomas Manion		80	0 0			
,,	To interest on £286 9*s.* 4*d.* from 4th April 1821 to 25th May 1822		19	6 8			
					60	13	4
1824.					225	16	0
August 10.	To interest on £225 16*s.* from 25th May 1822 to 10th August 1824		29	18 3			
,,	By subscriptions from some of the burgesses	£6 0 0					
,,	By cash from Mr. Pat Keary, per order of ditto	8 0 0					
			14	0 0			
			15	18 3			
,,	To cash paid James Robinson, attorney, amount of his costs in the prosecution of John Burke against Charles Blake				38	5	1
,,	To my expenses attending same in Dublin				10	0	0
,,	To cash paid expenses of Mr. Savage going to Castlebar to give out brief to council for Galway Assizes in the case of Larkin against Savage				5	0	0
,,	To my expenses, carriage hire, &c. to Castlebar				5	0	0
,,	To cash paid retaining fee to Messrs. Daniel and Ball, not being charged in Mr. Robinson's bill of costs				3	8	3
,,	To cash paid Mr. Savage's expenses attending said record in Galway				5	0	0
,,	To my own expenses attending said record				5	0	0
,,	To paid bailiff's expenses attending same				1	10	0
,,	To paid carriage hire for Mr. John Brown attending same				1	0	0
,,	To paid Captain Kelly expenses attending same				2	0	0
,,	To paid Tracy for Mrs. Lyons				0	18	0
,,	To cash paid James Robinson his costs of said record	£133 19 8					
	From which he struck off	10 0 0					
					123	19	8
					426	17	0
,,	To interest on £426 17*s.* from the 10th Aug. 1824 to 29th Sept. 1825		29	0 5½			
			44	18 8½			
1825.							
Sept. 29.	By amount of Mr. Pat Bodkin's acceptance received this day		70	0 0			
					25	1	3½
					401	15	8½
,,	To cash paid Mr. Pat Egan for his trouble at Galway Sessions and Assizes				8	0	0
,,	To cash paid James Robinson, attorney to Cosgrave's motion				11	13	4
,,	To cash paid James Fahy to take him to London				5	14	9
					427	3	9½
1827.							
March 8.	By cash from Messrs. Henderson, John Keary, and John F. Brown, £1 each				3	0	0
					424	3	9½
,,	By cash this day from Mr. Pat Bodkin		55	0 0			
,,	To interest on £424 3*s.* 9½*d.* from 29th September 1825 to 8th March 1827		36	11 11			
					18	18	1*
					405	5	8½
,,	To interest on £405 5*s.* 8½*d.* from 8th March to November 1827		16	4 3½			
,,	To amount of expenses incurred by me at Sessions of Galway, and different small sums at Tuam Sessions, at least				3	0	0
,,	To paid postage of Mr. Robinson letters				3	0	0
					411	5	8½
	Balance of interest				16	4	3½
			Irish		427	10	0
	Amount due to Charles Blake, 8th November 1827		British		394	12	4
,,	To cash paid for weights and measures over and above the presentments				3	17	0
,,	To cash paid Mr. Smith for a specialty against Malachy Larkin				3	0	0
					£401	9	4

A debt, of the amount of which we had no information, was claimed against the corporation for costs incurred by Mr. John Burke, who was sovereign in 1821 and 1822. These costs the corporation refused to pay, and in consequence Mr. Burke declined to attend the corporate meeting for election of a sovereign in that year. The gentleman who acted as his attorney retains the books of the corporation on which he claims a lien for costs to the amount of about £50, but readily handed them to us for examination. The cause of Burke *v.* Blake, in which costs were claimed by Mr. Blake against the corporation, and allowed as above stated, was in fact a prosecution of a criminal information between these two gentlemen, and arose out of the detention by Mr. Burke of possession of the town-house, and Mr. Burke's refusal to attend the corporation meetings; that of Larkin *v.* Savage was an action instituted

* There seems a mistake of 10*s.* in this sum; the error is probably in our copy of the account.

against the father of the present sovereign, by the caretaker of the town-house under Mr. Burke. Mr. Burke and Larkin were defeated in both.

The present sovereign also claims a debt against the corporation of £151 1*s.* 8½*d.*, the particulars of which he has furnished to us; they consist of £73 6*s.* 9*d.* paid for damages and costs in a cause of Cosgrave *v.* Savage, instituted against his father as sovereign; a sum of £62 14*s.* 5*d.*, being a balance due to his father as sovereign to the 29th September 1826, £8 10*s.* paid for his commission of the peace, (which was afterwards superseded, as already mentioned,) and some postages, and other expenses. Except a resolution in October 1822, to take the opinion of the attorney-general and employ counsel, there is no entry in the corporation books previously sanctioning the institution or defence of the causes, for the costs of which these sums have been incurred, nor does it appear from the books that the question was, in the first instance, submitted to the burgesses as to whether the expenses should be borne by the corporation funds. There are instances of subscriptions in 1822 by the burgesses and others for law costs, which were stated to us to have been made in support of the proceedings against Mr. Burke, and were paid over to Mr. Blake. These subscriptions, it was stated, were made under an impression that they would be repaid; they amounted in all to £94 4*s.* 9*d.*

Accounts.

42. There is not any regular annual account kept by the corporation or by the sovereign, but the latter appears generally to be considered the receiver of the revenues. The introduction of a proper system of accounting and auditing, bringing before the burgesses annually the demands upon the corporation funds, is very necessary.

The only other property of the corporation is the market house, which is not productive of any income. The corporation does not derive any income from fines on its members or otherwise.

State of the Town. Population.

43. The following table shows the State of the Population of Tuam in 1831, and its increase since 1821:

Houses inhabited	1,127
Ditto building	9
Ditto uninhabited	61
Families chiefly employed in agriculture	97
Ditto in trade and handicraft	547
Ditto not comprised in the two preceding classes	554
Persons: males, 3,153; females, 3,730. Total	6,883
Employed in retail trade or handicraft	701
Capitalists, bankers, professional, and other educated men	150
1821: persons	4,571
Increase	2,312

We were informed that the number of persons who could qualify as holding houses or houses and land under the same landlord within the borough, of the yearly value of £10, was at least 500.

The town is stated to have improved considerably; and the operation of the Church Reform Act, enabling the inhabitants to obtain long tenures from the see of Tuam, is looked to as likely to operate beneficially on the town.

There does not appear to be any manufacture or trade deserving particular notice.

Remarks on the Constitution and State of the Corporation.

44. No particular individual can be pointed out as exercising paramount influence in the corporation since the change of its members in 1811, and the proceedings of the sovereign and free burgesses are of a more popular character than those of any other corporate body which we have visited. The admission of the commonalty to some share in the corporate proceedings, and the perfect freedom from religious distinction between the free burgesses and the great majority of the community, are strongly calculated to prevent the dissension which too commonly prevails in other places, between the corporation so called and the inhabitants. But without evincing that marked hostility to be found elsewhere, the inhabitants of Tuam are far from being satisfied with the present constitution of the municipal body; and they naturally object to the power of self-election vested in the free burgesses, which, in practice, leads to the exclusion of the commonalty from all control over the details of corporate business, and the application of the corporate revenues. It seems to be considered that the number of free burgesses is too small, and it has been suggested as an improvement, that they should be increased to 24. We found no objection on the part of any member of the corporation to its being constituted on more popular principles; and one of the free burgesses, stated that the general feeling of the inhabitants was to share in corporate privileges, and of the burgesses, to extend those privileges to them.

The present legal condition of the corporation is doubtful. Repeated instances occur of elections of free burgesses and sovereigns by less than a majority of the entire number of free burgesses. The resignation of seven free burgesses in 1811 left but five remaining, thereby in fact dissolving the corporation, if the minority was legally competent to accept those resignations. The subsequent elections were by those five, and afterwards by the persons whom they had elected. The proceedings to disfranchise the non-resident free burgesses in 1817, do not appear to have been conducted with much regularity; in one instance only five, in others only six, were present, including the sovereign, until the numbers were increased by those elected, in room of the disfranchised members. The giving to the inhabitants as the commonalty, without any form of actual admission to the freedom of the borough, the right of voting at elections, on vacancies happening in the sovereign's year of office, does not seem warranted, even by the liberal interpretation of the charter, which gives to such persons an inchoate title to their freedom, and there are not, in fact, any other freemen to represent the commonalty on such occasions. Another point in which, without legislative sanction, the

TUAM.

proceedings of the corporation may be considered as defective, is the change made in the market day given by the charter. It is probable that some of those circumstances have been relied on by the parties who have contested the sovereign's powers in the Borough Court and in the collection of tolls.

Local Acts.

45. There are not any Local Acts referring to this town.

Documents sent.

46. We send with this Report copies of the following Documents:

1. The Schedule of Fees claimed in the Borough Court.
2. The Account claimed by the present Sovereign, Richard Savage, Esq., against the Corporation.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Tuam on the 11th day of September 1833.

REPORT

ON

THE BOROUGH OF TULSKE.

BOROUGH OF TULSKE.

CHARTER.

1. CHARLES II., in the fourteenth year of his reign, incorporated this town by a Charter which is enrolled in Chancery (Pat. 14, Car. II. p. 2, m. 18.)

2. The corporation, by this charter, was to consist of a portreeve, 15 free burgesses, and a commonalty. Its title was, "The Portreeve, Free Burgesses, and Commonalty of the Borough of Tulske." The provost and free burgesses were empowered to return two Members to the Irish Parliament. All the inhabitants and so many and such other men whom the portreeve and free burgesses should admit, were to be of the commonalty. The portreeve and free burgesses were to be elected by the portreeve and free burgesses. Power was granted to hold a Court of Record, from week to week, before the portreeve, of all actions personal, not exceeding £5, arising within the borough. The other provisions of the charter give powers to make bye-laws, to have a guild mercatory, a common seal, and to appoint two serjeants at mace and other inferior officers; and the portreeve was appointed clerk of the market.

State of the CORPORATION.

3. As far as can be judged from the present appearance of this town, or village, the power to send Members to Parliament seems to have been the only purpose for which the corporation could have been created. We could not ascertain that the portreeve and burgesses ever performed any duty save that of assembling to nominate the Members. This privilege was lost at the Union, and the sum of £15,000 awarded as Compensation, under the 40 Geo. III. c. 9, to James Caulfield, Esq., guardian of St. George Caulfield, a minor.

Union Compensation.

4. The corporation has become extinct, and the name of a corporate officer has not been known in the town since the Union.

5. The corporation had not any property, charitable or otherwise, nor were the tolls and customs of the town under their receipt or management.

State of the Town.

6. The present Town contains about a dozen houses, the greater number mere cabins; and there is not any corporate or other local jurisdiction within the limits of the borough.

FAIRS and MARKETS.

7. The following grants of Fairs and Markets appear to have been made to different individuals for this town:

Date.	Grantee.	Grant.	Enrolled.
26th July 1611.	Sir John King, Knight.	Market, Wednesday. Fair, Whit Monday and day after.	Pat. 9 Jac. I. p. 2, m. 17.
5th March 1627.	Sir Jas. Craige, Knight.	Fair, 10th August and day after.	Pat. 3 Car. I. p. 4, m. 14.
16th February 1662.	Sir Rd. Lane, Knight.	Market, Tuesday. Fair, Tuesday after 1st November, and Easter Tuesday, and day after each.	Pat. 15 Car. II. p. 3, m. 2, d.

MAZIERE BRADY.
JOHN R. CORBALLIS.

Inquiry held at Tulske, September 7th 1833.